

**As Reported by the House Judiciary Committee**

**130th General Assembly**

**Regular Session**

**2013-2014**

**Sub. S. B. No. 143**

**Senators Seitz, Smith**

**Cosponsors: Senators Balderson, Beagle, Brown, Eklund, Hite, Lehner,  
Patton, Sawyer, Uecker**

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**A B I L L**

To amend sections 109.57, 109.572, 109.578, 122.681, 1  
307.932, 1901.44, 1905.202, 1907.25, 2151.311, 2  
2151.356, 2151.357, 2152.26, 2907.27, 2907.28, 3  
2929.12, 2929.141, 2929.20, 2929.26, 2947.09, 4  
2947.23, 2953.25, 2953.31, 2953.32, 2953.321, 5  
2953.35, 2953.36, 2953.53, 2953.61, 2967.26, 6  
4510.111, 4510.16, 5120.07, 5120.651, 5139.01, and 7  
5139.52 of the Revised Code to permit the Attorney 8  
General to authorize the release of information 9  
relating to certain arrests and delinquent child 10  
adjudications pursuant to a request for a criminal 11  
records check; to regulate the confidentiality of 12  
personal information related to community service 13  
block grants; to clarify the authority of boards 14  
of county commissioners to establish a community 15  
alternative sentencing center; to authorize a 16  
municipal corporation to establish a community 17  
alternative sentencing center; to modify the 18  
procedure for sentencing and admitting an eligible 19  
offender to a community alternative sentencing 20  
center; to clarify that an eligible offender must 21  
successfully complete any term in a center as a 22

condition of a community residential sanction; to 23  
include the best interests of the person as a 24  
reason for which an alleged or adjudicated 25  
delinquent child who is at least 18 but younger 26  
than 21 may be held in an adult detention 27  
facility; to modify the waiting period for making 28  
a motion or application for the sealing of a 29  
juvenile court record of a person who is 18 years 30  
of age or older; to reaffirm that BCII is a public 31  
office or agency for purposes of notification of a 32  
delinquency record-sealing order; to specify that 33  
most identifying information that relates to the 34  
admission and confinement in an adult detention 35  
facility of a person under 21 generally is 36  
confidential; to clarify a court's authority to 37  
commit a delinquent child to the Department of 38  
Youth Services for a violation of supervised 39  
release; to authorize a court to order restitution 40  
if a person convicted of driving under suspension 41  
or driving under financial-responsibility-law 42  
suspension or cancellation fails to provide proof 43  
of financial responsibility; to extend the 44  
existence of the Ex-offender Reentry Coalition 45  
until December 31, 2019; to authorize a person 46  
charged with multiple offenses in connection with 47  
the same act to apply for the sealing of records 48  
pertaining to an acquitted charge; to eliminate 49  
the requirement that notice of a sealing order be 50  
sent by certified mail; to modify the requirements 51  
regarding testing for HIV of persons charged with 52  
specified sex offense; to increase the sentence of 53  
imprisonment that disqualifies an inmate from 54  
participating in the prison nursery program; to 55

remove the cap of 40 hours per month and give a 56  
court discretion in setting the amount of credit 57  
for community service ordered for failure to pay a 58  
criminal court cost judgment; to authorize a court 59  
that receives or is forwarded a petition for a 60  
certificate of qualification for employment to 61  
direct the clerk of court to process and record 62  
all required notices; to include persons convicted 63  
twice of the same misdemeanor as eligible 64  
offenders for purposes of sealing records of the 65  
convictions; to provide a qualified immunity in 66  
specified circumstances to a government official 67  
who mistakenly releases information from a sealed 68  
or expunged record; to clarify the application of 69  
the Conviction Record Sealing Law to individual 70  
convictions and bail forfeitures; to preclude a 71  
court from disapproving transitional control of a 72  
prisoner who is serving a sentence of more than 73  
two years; to authorize an additional prison term 74  
for the commission of a felony while on 75  
transitional control; and to eliminate the warning 76  
notice that motor vehicle registration may be 77  
blocked for failure to appear in court or pay a 78  
fine. 79

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 109.57, 109.572, 109.578, 122.681, 80  
307.932, 1901.44, 1905.202, 1907.25, 2151.311, 2151.356, 2151.357, 81  
2152.26, 2907.27, 2907.28, 2929.12, 2929.141, 2929.20, 2929.26, 82  
2947.09, 2947.23, 2953.25, 2953.31, 2953.32, 2953.321, 2953.35, 83  
2953.36, 2953.53, 2953.61, 2967.26, 4510.111, 4510.16, 5120.07, 84  
5120.651, 5139.01, and 5139.52 of the Revised Code be amended to 85

read as follows: 86

**Sec. 109.57.** (A)(1) The superintendent of the bureau of 87  
criminal identification and investigation shall procure from 88  
wherever procurable and file for record photographs, pictures, 89  
descriptions, fingerprints, measurements, and other information 90  
that may be pertinent of all persons who have been convicted of 91  
committing within this state a felony, any crime constituting a 92  
misdemeanor on the first offense and a felony on subsequent 93  
offenses, or any misdemeanor described in division (A)(1)(a), 94  
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code, of 95  
all children under eighteen years of age who have been adjudicated 96  
delinquent children for committing within this state an act that 97  
would be a felony or an offense of violence if committed by an 98  
adult or who have been convicted of or pleaded guilty to 99  
committing within this state a felony or an offense of violence, 100  
and of all well-known and habitual criminals. The person in charge 101  
of any county, multicounty, municipal, municipal-county, or 102  
multicounty-municipal jail or workhouse, community-based 103  
correctional facility, halfway house, alternative residential 104  
facility, or state correctional institution and the person in 105  
charge of any state institution having custody of a person 106  
suspected of having committed a felony, any crime constituting a 107  
misdemeanor on the first offense and a felony on subsequent 108  
offenses, or any misdemeanor described in division (A)(1)(a), 109  
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code or 110  
having custody of a child under eighteen years of age with respect 111  
to whom there is probable cause to believe that the child may have 112  
committed an act that would be a felony or an offense of violence 113  
if committed by an adult shall furnish such material to the 114  
superintendent of the bureau. Fingerprints, photographs, or other 115  
descriptive information of a child who is under eighteen years of 116

age, has not been arrested or otherwise taken into custody for 117  
committing an act that would be a felony or an offense of violence 118  
who is not in any other category of child specified in this 119  
division, if committed by an adult, has not been adjudicated a 120  
delinquent child for committing an act that would be a felony or 121  
an offense of violence if committed by an adult, has not been 122  
convicted of or pleaded guilty to committing a felony or an 123  
offense of violence, and is not a child with respect to whom there 124  
is probable cause to believe that the child may have committed an 125  
act that would be a felony or an offense of violence if committed 126  
by an adult shall not be procured by the superintendent or 127  
furnished by any person in charge of any county, multicounty, 128  
municipal, municipal-county, or multicounty-municipal jail or 129  
workhouse, community-based correctional facility, halfway house, 130  
alternative residential facility, or state correctional 131  
institution, except as authorized in section 2151.313 of the 132  
Revised Code. 133

(2) Every clerk of a court of record in this state, other 134  
than the supreme court or a court of appeals, shall send to the 135  
superintendent of the bureau a weekly report containing a summary 136  
of each case involving a felony, involving any crime constituting 137  
a misdemeanor on the first offense and a felony on subsequent 138  
offenses, involving a misdemeanor described in division (A)(1)(a), 139  
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code, or 140  
involving an adjudication in a case in which a child under 141  
eighteen years of age was alleged to be a delinquent child for 142  
committing an act that would be a felony or an offense of violence 143  
if committed by an adult. The clerk of the court of common pleas 144  
shall include in the report and summary the clerk sends under this 145  
division all information described in divisions (A)(2)(a) to (f) 146  
of this section regarding a case before the court of appeals that 147  
is served by that clerk. The summary shall be written on the 148

standard forms furnished by the superintendent pursuant to 149  
division (B) of this section and shall include the following 150  
information: 151

(a) The incident tracking number contained on the standard 152  
forms furnished by the superintendent pursuant to division (B) of 153  
this section; 154

(b) The style and number of the case; 155

(c) The date of arrest, offense, summons, or arraignment; 156

(d) The date that the person was convicted of or pleaded 157  
guilty to the offense, adjudicated a delinquent child for 158  
committing the act that would be a felony or an offense of 159  
violence if committed by an adult, found not guilty of the 160  
offense, or found not to be a delinquent child for committing an 161  
act that would be a felony or an offense of violence if committed 162  
by an adult, the date of an entry dismissing the charge, an entry 163  
declaring a mistrial of the offense in which the person is 164  
discharged, an entry finding that the person or child is not 165  
competent to stand trial, or an entry of a nolle prosequi, or the 166  
date of any other determination that constitutes final resolution 167  
of the case; 168

(e) A statement of the original charge with the section of 169  
the Revised Code that was alleged to be violated; 170

(f) If the person or child was convicted, pleaded guilty, or 171  
was adjudicated a delinquent child, the sentence or terms of 172  
probation imposed or any other disposition of the offender or the 173  
delinquent child. 174

If the offense involved the disarming of a law enforcement 175  
officer or an attempt to disarm a law enforcement officer, the 176  
clerk shall clearly state that fact in the summary, and the 177  
superintendent shall ensure that a clear statement of that fact is 178  
placed in the bureau's records. 179

(3) The superintendent shall cooperate with and assist 180  
sheriffs, chiefs of police, and other law enforcement officers in 181  
the establishment of a complete system of criminal identification 182  
and in obtaining fingerprints and other means of identification of 183  
all persons arrested on a charge of a felony, any crime 184  
constituting a misdemeanor on the first offense and a felony on 185  
subsequent offenses, or a misdemeanor described in division 186  
(A)(1)(a), (A)(5)(a), or (A)(7)(a) of section 109.572 of the 187  
Revised Code and of all children under eighteen years of age 188  
arrested or otherwise taken into custody for committing an act 189  
that would be a felony or an offense of violence if committed by 190  
an adult. The superintendent also shall file for record the 191  
fingerprint impressions of all persons confined in a county, 192  
multicounty, municipal, municipal-county, or multicounty-municipal 193  
jail or workhouse, community-based correctional facility, halfway 194  
house, alternative residential facility, or state correctional 195  
institution for the violation of state laws and of all children 196  
under eighteen years of age who are confined in a county, 197  
multicounty, municipal, municipal-county, or multicounty-municipal 198  
jail or workhouse, community-based correctional facility, halfway 199  
house, alternative residential facility, or state correctional 200  
institution or in any facility for delinquent children for 201  
committing an act that would be a felony or an offense of violence 202  
if committed by an adult, and any other information that the 203  
superintendent may receive from law enforcement officials of the 204  
state and its political subdivisions. 205

(4) The superintendent shall carry out Chapter 2950. of the 206  
Revised Code with respect to the registration of persons who are 207  
convicted of or plead guilty to a sexually oriented offense or a 208  
child-victim oriented offense and with respect to all other duties 209  
imposed on the bureau under that chapter. 210

(5) The bureau shall perform centralized recordkeeping 211

functions for criminal history records and services in this state 212  
for purposes of the national crime prevention and privacy compact 213  
set forth in section 109.571 of the Revised Code and is the 214  
criminal history record repository as defined in that section for 215  
purposes of that compact. The superintendent or the 216  
superintendent's designee is the compact officer for purposes of 217  
that compact and shall carry out the responsibilities of the 218  
compact officer specified in that compact. 219

(B) The superintendent shall prepare and furnish to every 220  
county, multicounty, municipal, municipal-county, or 221  
multicounty-municipal jail or workhouse, community-based 222  
correctional facility, halfway house, alternative residential 223  
facility, or state correctional institution and to every clerk of 224  
a court in this state specified in division (A)(2) of this section 225  
standard forms for reporting the information required under 226  
division (A) of this section. The standard forms that the 227  
superintendent prepares pursuant to this division may be in a 228  
tangible format, in an electronic format, or in both tangible 229  
formats and electronic formats. 230

(C)(1) The superintendent may operate a center for 231  
electronic, automated, or other data processing for the storage 232  
and retrieval of information, data, and statistics pertaining to 233  
criminals and to children under eighteen years of age who are 234  
adjudicated delinquent children for committing an act that would 235  
be a felony or an offense of violence if committed by an adult, 236  
criminal activity, crime prevention, law enforcement, and criminal 237  
justice, and may establish and operate a statewide communications 238  
network to be known as the Ohio law enforcement gateway to gather 239  
and disseminate information, data, and statistics for the use of 240  
law enforcement agencies and for other uses specified in this 241  
division. The superintendent may gather, store, retrieve, and 242  
disseminate information, data, and statistics that pertain to 243

children who are under eighteen years of age and that are gathered 244  
pursuant to sections 109.57 to 109.61 of the Revised Code together 245  
with information, data, and statistics that pertain to adults and 246  
that are gathered pursuant to those sections. 247

(2) The superintendent or the superintendent's designee shall 248  
gather information of the nature described in division (C)(1) of 249  
this section that pertains to the offense and delinquency history 250  
of a person who has been convicted of, pleaded guilty to, or been 251  
adjudicated a delinquent child for committing a sexually oriented 252  
offense or a child-victim oriented offense for inclusion in the 253  
state registry of sex offenders and child-victim offenders 254  
maintained pursuant to division (A)(1) of section 2950.13 of the 255  
Revised Code and in the internet database operated pursuant to 256  
division (A)(13) of that section and for possible inclusion in the 257  
internet database operated pursuant to division (A)(11) of that 258  
section. 259

(3) In addition to any other authorized use of information, 260  
data, and statistics of the nature described in division (C)(1) of 261  
this section, the superintendent or the superintendent's designee 262  
may provide and exchange the information, data, and statistics 263  
pursuant to the national crime prevention and privacy compact as 264  
described in division (A)(5) of this section. 265

(4) The attorney general may adopt rules under Chapter 119. 266  
of the Revised Code establishing guidelines for the operation of 267  
and participation in the Ohio law enforcement gateway. The rules 268  
may include criteria for granting and restricting access to 269  
information gathered and disseminated through the Ohio law 270  
enforcement gateway. The attorney general shall permit the state 271  
medical board and board of nursing to access and view, but not 272  
alter, information gathered and disseminated through the Ohio law 273  
enforcement gateway. 274

The attorney general may appoint a steering committee to 275

advise the attorney general in the operation of the Ohio law enforcement gateway that is comprised of persons who are representatives of the criminal justice agencies in this state that use the Ohio law enforcement gateway and is chaired by the superintendent or the superintendent's designee.

(D)(1) The following are not public records under section 149.43 of the Revised Code:

(a) Information and materials furnished to the superintendent pursuant to division (A) of this section;

(b) Information, data, and statistics gathered or disseminated through the Ohio law enforcement gateway pursuant to division (C)(1) of this section;

(c) Information and materials furnished to any board or person under division (F) or (G) of this section.

(2) The superintendent or the superintendent's designee shall gather and retain information so furnished under division (A) of this section that pertains to the offense and delinquency history of a person who has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for committing a sexually oriented offense or a child-victim oriented offense for the purposes described in division (C)(2) of this section.

(E)(1) The attorney general shall adopt rules, in accordance with Chapter 119. of the Revised Code and subject to division (E)(2) of this section, setting forth the procedure by which a person may receive or release information gathered by the superintendent pursuant to division (A) of this section. A reasonable fee may be charged for this service. If a temporary employment service submits a request for a determination of whether a person the service plans to refer to an employment position has been convicted of or pleaded guilty to an offense listed or described in division (A)(1), (2), or (3) of section

109.572 of the Revised Code, the request shall be treated as a 307  
single request and only one fee shall be charged. 308

(2) Except as otherwise provided in this division or division 309  
(E)(3) or (4) of this section, a rule adopted under division 310  
(E)(1) of this section may provide only for the release of 311  
information gathered pursuant to division (A) of this section that 312  
relates to the conviction of a person, or a person's plea of 313  
guilty to, a criminal offense or to the arrest of a person as 314  
provided in division (E)(3) of this section. The superintendent 315  
shall not release, and the attorney general shall not adopt any 316  
rule under division (E)(1) of this section that permits the 317  
release of, any information gathered pursuant to division (A) of 318  
this section that relates to an adjudication of a child as a 319  
delinquent child, or that relates to a criminal conviction of a 320  
person under eighteen years of age if the person's case was 321  
transferred back to a juvenile court under division (B)(2) or (3) 322  
of section 2152.121 of the Revised Code and the juvenile court 323  
imposed a disposition or serious youthful offender disposition 324  
upon the person under either division, unless either of the 325  
following applies with respect to the adjudication or conviction: 326

(a) The adjudication or conviction was for a violation of 327  
section 2903.01 or 2903.02 of the Revised Code. 328

(b) The adjudication or conviction was for a sexually 329  
oriented offense, the juvenile court was required to classify the 330  
child a juvenile offender registrant for that offense under 331  
section 2152.82, 2152.83, or 2152.86 of the Revised Code, ~~and~~ that 332  
classification has not been removed, and the records of the 333  
adjudication or conviction have not been sealed or expunged 334  
pursuant to sections 2151.355 to 2151.358 or sealed pursuant to 335  
section 2952.32 of the Revised Code. 336

(3) A rule adopted under division (E)(1) of this section may 337  
provide for the release of information gathered pursuant to 338

division (A) of this section that relates to the arrest of a 339  
person who is eighteen years of age or older when the person has 340  
not been convicted as a result of that arrest if any of the 341  
following applies: 342

(a) The arrest was made outside of this state. 343

(b) A criminal action resulting from the arrest is pending, 344  
and the superintendent confirms that the criminal action has not 345  
been resolved at the time the criminal records check is performed. 346

(c) The bureau cannot reasonably determine whether a criminal 347  
action resulting from the arrest is pending, and not more than one 348  
year has elapsed since the date of the arrest. 349

(4) A rule adopted under division (E)(1) of this section may 350  
provide for the release of information gathered pursuant to 351  
division (A) of this section that relates to an adjudication of a 352  
child as a delinquent child if not more than five years have 353  
elapsed since the date of the adjudication, the adjudication was 354  
for an act that would have been a felony if committed by an adult, 355  
the records of the adjudication have not been sealed or expunged 356  
pursuant to sections 2151.355 to 2151.358 of the Revised Code, and 357  
the request for information is made under division (F) of this 358  
section or under section 109.572 of the Revised Code. In the case 359  
of an adjudication for a violation of the terms of community 360  
control or supervised release, the five-year period shall be 361  
calculated from the date of the adjudication to which the 362  
community control or supervised release pertains. 363

(F)(1) As used in division (F)(2) of this section, "head 364  
start agency" means an entity in this state that has been approved 365  
to be an agency for purposes of subchapter II of the "Community 366  
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 367  
as amended. 368

(2)(a) In addition to or in conjunction with any request that 369

is required to be made under section 109.572, 2151.86, 3301.32, 370  
3301.541, division (C) of section 3310.58, or section 3319.39, 371  
3319.391, 3327.10, 3701.881, 5104.012, 5104.013, 5123.081, or 372  
5153.111 of the Revised Code or that is made under section 373  
3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the 374  
board of education of any school district; the director of 375  
developmental disabilities; any county board of developmental 376  
disabilities; any provider or subcontractor as defined in section 377  
5123.081 of the Revised Code; the chief administrator of any 378  
chartered nonpublic school; the chief administrator of a 379  
registered private provider that is not also a chartered nonpublic 380  
school; the chief administrator of any home health agency; the 381  
chief administrator of or person operating any child day-care 382  
center, type A family day-care home, or type B family day-care 383  
home licensed under Chapter 5104. of the Revised Code; the chief 384  
administrator of any head start agency; the executive director of 385  
a public children services agency; a private company described in 386  
section 3314.41, 3319.392, 3326.25, or 3328.20 of the Revised 387  
Code; or an employer described in division (J)(2) of section 388  
3327.10 of the Revised Code may request that the superintendent of 389  
the bureau investigate and determine, with respect to any 390  
individual who has applied for employment in any position after 391  
October 2, 1989, or any individual wishing to apply for employment 392  
with a board of education may request, with regard to the 393  
individual, whether the bureau has any information gathered under 394  
division (A) of this section that pertains to that individual. On 395  
receipt of the request, subject to division (E)(2) of this 396  
section, the superintendent shall determine whether that 397  
information exists and, upon request of the person, board, or 398  
entity requesting information, also shall request from the federal 399  
bureau of investigation any criminal records it has pertaining to 400  
that individual. The superintendent or the superintendent's 401  
designee also may request criminal history records from other 402

states or the federal government pursuant to the national crime 403  
prevention and privacy compact set forth in section 109.571 of the 404  
Revised Code. Within thirty days of the date that the 405  
superintendent receives a request, subject to division (E)(2) of 406  
this section, the superintendent shall send to the board, entity, 407  
or person a report of any information that the superintendent 408  
determines exists, including information contained in records that 409  
have been sealed under section 2953.32 of the Revised Code, and, 410  
within thirty days of its receipt, subject to division (E)(2) of 411  
this section, shall send the board, entity, or person a report of 412  
any information received from the federal bureau of investigation, 413  
other than information the dissemination of which is prohibited by 414  
federal law. 415

(b) When a board of education or a registered private 416  
provider is required to receive information under this section as 417  
a prerequisite to employment of an individual pursuant to division 418  
(C) of section 3310.58 or section 3319.39 of the Revised Code, it 419  
may accept a certified copy of records that were issued by the 420  
bureau of criminal identification and investigation and that are 421  
presented by an individual applying for employment with the 422  
district in lieu of requesting that information itself. In such a 423  
case, the board shall accept the certified copy issued by the 424  
bureau in order to make a photocopy of it for that individual's 425  
employment application documents and shall return the certified 426  
copy to the individual. In a case of that nature, a district or 427  
provider only shall accept a certified copy of records of that 428  
nature within one year after the date of their issuance by the 429  
bureau. 430

(c) Notwithstanding division (F)(2)(a) of this section, in 431  
the case of a request under section 3319.39, 3319.391, or 3327.10 432  
of the Revised Code only for criminal records maintained by the 433  
federal bureau of investigation, the superintendent shall not 434

determine whether any information gathered under division (A) of 435  
this section exists on the person for whom the request is made. 436

(3) The state board of education may request, with respect to 437  
any individual who has applied for employment after October 2, 438  
1989, in any position with the state board or the department of 439  
education, any information that a school district board of 440  
education is authorized to request under division (F)(2) of this 441  
section, and the superintendent of the bureau shall proceed as if 442  
the request has been received from a school district board of 443  
education under division (F)(2) of this section. 444

(4) When the superintendent of the bureau receives a request 445  
for information under section 3319.291 of the Revised Code, the 446  
superintendent shall proceed as if the request has been received 447  
from a school district board of education and shall comply with 448  
divisions (F)(2)(a) and (c) of this section. 449

(5) When a recipient of a classroom reading improvement grant 450  
paid under section 3301.86 of the Revised Code requests, with 451  
respect to any individual who applies to participate in providing 452  
any program or service funded in whole or in part by the grant, 453  
the information that a school district board of education is 454  
authorized to request under division (F)(2)(a) of this section, 455  
the superintendent of the bureau shall proceed as if the request 456  
has been received from a school district board of education under 457  
division (F)(2)(a) of this section. 458

(G) In addition to or in conjunction with any request that is 459  
required to be made under section 3701.881, 3712.09, or 3721.121 460  
of the Revised Code with respect to an individual who has applied 461  
for employment in a position that involves providing direct care 462  
to an older adult or adult resident, the chief administrator of a 463  
home health agency, hospice care program, home licensed under 464  
Chapter 3721. of the Revised Code, or adult day-care program 465  
operated pursuant to rules adopted under section 3721.04 of the 466

Revised Code may request that the superintendent of the bureau 467  
investigate and determine, with respect to any individual who has 468  
applied after January 27, 1997, for employment in a position that 469  
does not involve providing direct care to an older adult or adult 470  
resident, whether the bureau has any information gathered under 471  
division (A) of this section that pertains to that individual. 472

In addition to or in conjunction with any request that is 473  
required to be made under section 173.27 of the Revised Code with 474  
respect to an individual who has applied for employment in a 475  
position that involves providing ombudsman services to residents 476  
of long-term care facilities or recipients of community-based 477  
long-term care services, the state long-term care ombudsman, the 478  
director of aging, a regional long-term care ombudsman program, or 479  
the designee of the ombudsman, director, or program may request 480  
that the superintendent investigate and determine, with respect to 481  
any individual who has applied for employment in a position that 482  
does not involve providing such ombudsman services, whether the 483  
bureau has any information gathered under division (A) of this 484  
section that pertains to that applicant. 485

In addition to or in conjunction with any request that is 486  
required to be made under section 173.38 of the Revised Code with 487  
respect to an individual who has applied for employment in a 488  
direct-care position, the chief administrator of a provider, as 489  
defined in section 173.39 of the Revised Code, may request that 490  
the superintendent investigate and determine, with respect to any 491  
individual who has applied for employment in a position that is 492  
not a direct-care position, whether the bureau has any information 493  
gathered under division (A) of this section that pertains to that 494  
applicant. 495

In addition to or in conjunction with any request that is 496  
required to be made under section 3712.09 of the Revised Code with 497  
respect to an individual who has applied for employment in a 498

position that involves providing direct care to a pediatric 499  
respite care patient, the chief administrator of a pediatric 500  
respite care program may request that the superintendent of the 501  
bureau investigate and determine, with respect to any individual 502  
who has applied for employment in a position that does not involve 503  
providing direct care to a pediatric respite care patient, whether 504  
the bureau has any information gathered under division (A) of this 505  
section that pertains to that individual. 506

On receipt of a request under this division, the 507  
superintendent shall determine whether that information exists 508  
and, on request of the individual requesting information, shall 509  
also request from the federal bureau of investigation any criminal 510  
records it has pertaining to the applicant. The superintendent or 511  
the superintendent's designee also may request criminal history 512  
records from other states or the federal government pursuant to 513  
the national crime prevention and privacy compact set forth in 514  
section 109.571 of the Revised Code. Within thirty days of the 515  
date a request is received, subject to division (E)(2) of this 516  
section, the superintendent shall send to the requester a report 517  
of any information determined to exist, including information 518  
contained in records that have been sealed under section 2953.32 519  
of the Revised Code, and, within thirty days of its receipt, shall 520  
send the requester a report of any information received from the 521  
federal bureau of investigation, other than information the 522  
dissemination of which is prohibited by federal law. 523

(H) Information obtained by a government entity or person 524  
under this section is confidential and shall not be released or 525  
disseminated. 526

(I) The superintendent may charge a reasonable fee for 527  
providing information or criminal records under division (F)(2) or 528  
(G) of this section. 529

(J) As used in this section: 530

(1) "Pediatric respite care program" and "pediatric care patient" have the same meanings as in section 3712.01 of the Revised Code. 531  
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(2) "Sexually oriented offense" and "child-victim oriented offense" have the same meanings as in section 2950.01 of the Revised Code. 534  
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(3) "Registered private provider" means a nonpublic school or entity registered with the superintendent of public instruction under section 3310.41 of the Revised Code to participate in the autism scholarship program or section 3310.58 of the Revised Code to participate in the Jon Peterson special needs scholarship program. 537  
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**Sec. 109.572.** (A)(1) Upon receipt of a request pursuant to section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following: 543  
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(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, felonious sexual 554  
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penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, or a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense;

(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(1)(a) of this section;

(c) If the request is made pursuant to section 3319.39 of the Revised Code for an applicant who is a teacher, any offense specified in section 3319.31 of the Revised Code.

(2) On receipt of a request pursuant to section 3712.09 or 3721.121 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check with respect to any person who has applied for employment in a position for which a criminal records check is required by those sections. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31,

2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 594  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 595  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 596  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 597  
2925.22, 2925.23, or 3716.11 of the Revised Code; 598

(b) An existing or former law of this state, any other state, 599  
or the United States that is substantially equivalent to any of 600  
the offenses listed in division (A)(2)(a) of this section. 601

(3) On receipt of a request pursuant to section 173.27, 602  
173.38, 3701.881, 5164.34, 5164.341, 5164.342, 5123.081, or 603  
5123.169 of the Revised Code, a completed form prescribed pursuant 604  
to division (C)(1) of this section, and a set of fingerprint 605  
impressions obtained in the manner described in division (C)(2) of 606  
this section, the superintendent of the bureau of criminal 607  
identification and investigation shall conduct a criminal records 608  
check of the person for whom the request is made. The 609  
superintendent shall conduct the criminal records check in the 610  
manner described in division (B) of this section to determine 611  
whether any information exists that indicates that the person who 612  
is the subject of the request previously has been convicted of, 613  
has pleaded guilty to, or (except in the case of a request 614  
pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised 615  
Code) has been found eligible for intervention in lieu of 616  
conviction for any of the following, regardless of the date of the 617  
conviction, the date of entry of the guilty plea, or (except in 618  
the case of a request pursuant to section 5164.34, 5164.341, or 619  
5164.342 of the Revised Code) the date the person was found 620  
eligible for intervention in lieu of conviction: 621

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 622  
2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 623  
2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 624  
2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 625

2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 626  
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 627  
2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 628  
2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 629  
2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 630  
2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 631  
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 632  
2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 633  
2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12, 634  
2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35, 635  
2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161, 636  
2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 637  
2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 638  
2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 639  
2927.12, or 3716.11 of the Revised Code; 640

(b) Felonious sexual penetration in violation of former 641  
section 2907.12 of the Revised Code; 642

(c) A violation of section 2905.04 of the Revised Code as it 643  
existed prior to July 1, 1996; 644

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 645  
the Revised Code when the underlying offense that is the object of 646  
the conspiracy, attempt, or complicity is one of the offenses 647  
listed in divisions (A)(3)(a) to (c) of this section; 648

(e) A violation of an existing or former municipal ordinance 649  
or law of this state, any other state, or the United States that 650  
is substantially equivalent to any of the offenses listed in 651  
divisions (A)(3)(a) to (d) of this section. 652

(4) On receipt of a request pursuant to section 2151.86 of 653  
the Revised Code, a completed form prescribed pursuant to division 654  
(C)(1) of this section, and a set of fingerprint impressions 655  
obtained in the manner described in division (C)(2) of this 656

section, the superintendent of the bureau of criminal 657  
identification and investigation shall conduct a criminal records 658  
check in the manner described in division (B) of this section to 659  
determine whether any information exists that indicates that the 660  
person who is the subject of the request previously has been 661  
convicted of or pleaded guilty to any of the following: 662

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 663  
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 664  
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 665  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 666  
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 667  
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 668  
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 669  
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 670  
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 671  
of the Revised Code, a violation of section 2905.04 of the Revised 672  
Code as it existed prior to July 1, 1996, a violation of section 673  
2919.23 of the Revised Code that would have been a violation of 674  
section 2905.04 of the Revised Code as it existed prior to July 1, 675  
1996, had the violation been committed prior to that date, a 676  
violation of section 2925.11 of the Revised Code that is not a 677  
minor drug possession offense, two or more OVI or OVUAC violations 678  
committed within the three years immediately preceding the 679  
submission of the application or petition that is the basis of the 680  
request, or felonious sexual penetration in violation of former 681  
section 2907.12 of the Revised Code; 682

(b) A violation of an existing or former law of this state, 683  
any other state, or the United States that is substantially 684  
equivalent to any of the offenses listed in division (A)(4)(a) of 685  
this section. 686

(5) Upon receipt of a request pursuant to section 5104.012 or 687  
5104.013 of the Revised Code, a completed form prescribed pursuant 688

to division (C)(1) of this section, and a set of fingerprint 689  
impressions obtained in the manner described in division (C)(2) of 690  
this section, the superintendent of the bureau of criminal 691  
identification and investigation shall conduct a criminal records 692  
check in the manner described in division (B) of this section to 693  
determine whether any information exists that indicates that the 694  
person who is the subject of the request has been convicted of or 695  
pleaded guilty to any of the following: 696

(a) A violation of section 2903.01, 2903.02, 2903.03, 697  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 698  
2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 699  
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 700  
2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 701  
2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 2913.04, 702  
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 703  
2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 704  
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2919.12, 705  
2919.22, 2919.24, 2919.25, 2921.11, 2921.13, 2923.01, 2923.12, 706  
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 707  
3716.11 of the Revised Code, felonious sexual penetration in 708  
violation of former section 2907.12 of the Revised Code, a 709  
violation of section 2905.04 of the Revised Code as it existed 710  
prior to July 1, 1996, a violation of section 2919.23 of the 711  
Revised Code that would have been a violation of section 2905.04 712  
of the Revised Code as it existed prior to July 1, 1996, had the 713  
violation been committed prior to that date, a violation of 714  
section 2925.11 of the Revised Code that is not a minor drug 715  
possession offense, a violation of section 2923.02 or 2923.03 of 716  
the Revised Code that relates to a crime specified in this 717  
division, or a second violation of section 4511.19 of the Revised 718  
Code within five years of the date of application for licensure or 719  
certification. 720

(b) A violation of an existing or former law of this state, 721  
any other state, or the United States that is substantially 722  
equivalent to any of the offenses or violations described in 723  
division (A)(5)(a) of this section. 724

(6) Upon receipt of a request pursuant to section 5153.111 of 725  
the Revised Code, a completed form prescribed pursuant to division 726  
(C)(1) of this section, and a set of fingerprint impressions 727  
obtained in the manner described in division (C)(2) of this 728  
section, the superintendent of the bureau of criminal 729  
identification and investigation shall conduct a criminal records 730  
check in the manner described in division (B) of this section to 731  
determine whether any information exists that indicates that the 732  
person who is the subject of the request previously has been 733  
convicted of or pleaded guilty to any of the following: 734

(a) A violation of section 2903.01, 2903.02, 2903.03, 735  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 736  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 737  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 738  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 739  
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 740  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 741  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 742  
felonious sexual penetration in violation of former section 743  
2907.12 of the Revised Code, a violation of section 2905.04 of the 744  
Revised Code as it existed prior to July 1, 1996, a violation of 745  
section 2919.23 of the Revised Code that would have been a 746  
violation of section 2905.04 of the Revised Code as it existed 747  
prior to July 1, 1996, had the violation been committed prior to 748  
that date, or a violation of section 2925.11 of the Revised Code 749  
that is not a minor drug possession offense; 750

(b) A violation of an existing or former law of this state, 751  
any other state, or the United States that is substantially 752

equivalent to any of the offenses listed in division (A)(6)(a) of 753  
this section. 754

(7) On receipt of a request for a criminal records check from 755  
an individual pursuant to section 4749.03 or 4749.06 of the 756  
Revised Code, accompanied by a completed copy of the form 757  
prescribed in division (C)(1) of this section and a set of 758  
fingerprint impressions obtained in a manner described in division 759  
(C)(2) of this section, the superintendent of the bureau of 760  
criminal identification and investigation shall conduct a criminal 761  
records check in the manner described in division (B) of this 762  
section to determine whether any information exists indicating 763  
that the person who is the subject of the request has been 764  
convicted of or pleaded guilty to a felony in this state or in any 765  
other state. If the individual indicates that a firearm will be 766  
carried in the course of business, the superintendent shall 767  
require information from the federal bureau of investigation as 768  
described in division (B)(2) of this section. Subject to division 769  
(F) of this section, the superintendent shall report the findings 770  
of the criminal records check and any information the federal 771  
bureau of investigation provides to the director of public safety. 772

(8) On receipt of a request pursuant to section 1321.37, 773  
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 774  
Code, a completed form prescribed pursuant to division (C)(1) of 775  
this section, and a set of fingerprint impressions obtained in the 776  
manner described in division (C)(2) of this section, the 777  
superintendent of the bureau of criminal identification and 778  
investigation shall conduct a criminal records check with respect 779  
to any person who has applied for a license, permit, or 780  
certification from the department of commerce or a division in the 781  
department. The superintendent shall conduct the criminal records 782  
check in the manner described in division (B) of this section to 783  
determine whether any information exists that indicates that the 784

person who is the subject of the request previously has been 785  
convicted of or pleaded guilty to any of the following: a 786  
violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 787  
2925.03 of the Revised Code; any other criminal offense involving 788  
theft, receiving stolen property, embezzlement, forgery, fraud, 789  
passing bad checks, money laundering, or drug trafficking, or any 790  
criminal offense involving money or securities, as set forth in 791  
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 792  
the Revised Code; or any existing or former law of this state, any 793  
other state, or the United States that is substantially equivalent 794  
to those offenses. 795

(9) On receipt of a request for a criminal records check from 796  
the treasurer of state under section 113.041 of the Revised Code 797  
or from an individual under section 4701.08, 4715.101, 4717.061, 798  
4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 799  
4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 800  
4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4755.70, 801  
4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 802  
4762.06, 4776.021, 4779.091, or 4783.04 of the Revised Code, 803  
accompanied by a completed form prescribed under division (C)(1) 804  
of this section and a set of fingerprint impressions obtained in 805  
the manner described in division (C)(2) of this section, the 806  
superintendent of the bureau of criminal identification and 807  
investigation shall conduct a criminal records check in the manner 808  
described in division (B) of this section to determine whether any 809  
information exists that indicates that the person who is the 810  
subject of the request has been convicted of or pleaded guilty to 811  
any criminal offense in this state or any other state. Subject to 812  
division (F) of this section, the superintendent shall send the 813  
results of a check requested under section 113.041 of the Revised 814  
Code to the treasurer of state and shall send the results of a 815  
check requested under any of the other listed sections to the 816  
licensing board specified by the individual in the request. 817

(10) On receipt of a request pursuant to section 1121.23, 818  
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 819  
Code, a completed form prescribed pursuant to division (C)(1) of 820  
this section, and a set of fingerprint impressions obtained in the 821  
manner described in division (C)(2) of this section, the 822  
superintendent of the bureau of criminal identification and 823  
investigation shall conduct a criminal records check in the manner 824  
described in division (B) of this section to determine whether any 825  
information exists that indicates that the person who is the 826  
subject of the request previously has been convicted of or pleaded 827  
guilty to any criminal offense under any existing or former law of 828  
this state, any other state, or the United States. 829

(11) On receipt of a request for a criminal records check 830  
from an appointing or licensing authority under section 3772.07 of 831  
the Revised Code, a completed form prescribed under division 832  
(C)(1) of this section, and a set of fingerprint impressions 833  
obtained in the manner prescribed in division (C)(2) of this 834  
section, the superintendent of the bureau of criminal 835  
identification and investigation shall conduct a criminal records 836  
check in the manner described in division (B) of this section to 837  
determine whether any information exists that indicates that the 838  
person who is the subject of the request previously has been 839  
convicted of or pleaded guilty or no contest to any offense under 840  
any existing or former law of this state, any other state, or the 841  
United States that is a disqualifying offense as defined in 842  
section 3772.07 of the Revised Code or substantially equivalent to 843  
such an offense. 844

(12) On receipt of a request pursuant to section 2151.33 or 845  
2151.412 of the Revised Code, a completed form prescribed pursuant 846  
to division (C)(1) of this section, and a set of fingerprint 847  
impressions obtained in the manner described in division (C)(2) of 848  
this section, the superintendent of the bureau of criminal 849

identification and investigation shall conduct a criminal records 850  
check with respect to any person for whom a criminal records check 851  
is required by that section. The superintendent shall conduct the 852  
criminal records check in the manner described in division (B) of 853  
this section to determine whether any information exists that 854  
indicates that the person who is the subject of the request 855  
previously has been convicted of or pleaded guilty to any of the 856  
following: 857

(a) A violation of section 2903.01, 2903.02, 2903.03, 858  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 859  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 860  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 861  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 862  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 863  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 864  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 865  
2925.22, 2925.23, or 3716.11 of the Revised Code; 866

(b) An existing or former law of this state, any other state, 867  
or the United States that is substantially equivalent to any of 868  
the offenses listed in division (A)(12)(a) of this section. 869

(B) Subject to division (F) of this section, the 870  
superintendent shall conduct any criminal records check to be 871  
conducted under this section as follows: 872

(1) The superintendent shall review or cause to be reviewed 873  
any relevant information gathered and compiled by the bureau under 874  
division (A) of section 109.57 of the Revised Code that relates to 875  
the person who is the subject of the criminal records check, 876  
including, if the criminal records check was requested under 877  
section 113.041, 121.08, 173.27, 173.38, 1121.23, 1155.03, 878  
1163.05, 1315.141, 1321.37, 1321.53, 1321.531, 1322.03, 1322.031, 879  
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 880  
3712.09, 3721.121, 3772.07, 4749.03, 4749.06, 4763.05, 5104.012, 881

5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 882  
5153.111 of the Revised Code, any relevant information contained 883  
in records that have been sealed under section 2953.32 of the 884  
Revised Code; 885

(2) If the request received by the superintendent asks for 886  
information from the federal bureau of investigation, the 887  
superintendent shall request from the federal bureau of 888  
investigation any information it has with respect to the person 889  
who is the subject of the criminal records check, including 890  
fingerprint-based checks of national crime information databases 891  
as described in 42 U.S.C. 671 if the request is made pursuant to 892  
section 2151.86, 5104.012, or 5104.013 of the Revised Code or if 893  
any other Revised Code section requires fingerprint-based checks 894  
of that nature, and shall review or cause to be reviewed any 895  
information the superintendent receives from that bureau. If a 896  
request under section 3319.39 of the Revised Code asks only for 897  
information from the federal bureau of investigation, the 898  
superintendent shall not conduct the review prescribed by division 899  
(B)(1) of this section. 900

(3) The superintendent or the superintendent's designee may 901  
request criminal history records from other states or the federal 902  
government pursuant to the national crime prevention and privacy 903  
compact set forth in section 109.571 of the Revised Code. 904

(4) The superintendent shall include in the results of the 905  
criminal records check a list or description of the offenses 906  
listed or described in division (A)(1), (2), (3), (4), (5), (6), 907  
(7), (8), (9), (10), (11), or (12) of this section, whichever 908  
division requires the superintendent to conduct the criminal 909  
records check. The superintendent shall exclude from the results 910  
any information the dissemination of which is prohibited by 911  
federal law. 912

(5) The superintendent shall send the results of the criminal 913

records check to the person to whom it is to be sent not later 914  
than the following number of days after the date the 915  
superintendent receives the request for the criminal records 916  
check, the completed form prescribed under division (C)(1) of this 917  
section, and the set of fingerprint impressions obtained in the 918  
manner described in division (C)(2) of this section: 919

(a) If the superintendent is required by division (A) of this 920  
section (other than division (A)(3) of this section) to conduct 921  
the criminal records check, thirty; 922

(b) If the superintendent is required by division (A)(3) of 923  
this section to conduct the criminal records check, sixty. 924

(C)(1) The superintendent shall prescribe a form to obtain 925  
the information necessary to conduct a criminal records check from 926  
any person for whom a criminal records check is to be conducted 927  
under this section. The form that the superintendent prescribes 928  
pursuant to this division may be in a tangible format, in an 929  
electronic format, or in both tangible and electronic formats. 930

(2) The superintendent shall prescribe standard impression 931  
sheets to obtain the fingerprint impressions of any person for 932  
whom a criminal records check is to be conducted under this 933  
section. Any person for whom a records check is to be conducted 934  
under this section shall obtain the fingerprint impressions at a 935  
county sheriff's office, municipal police department, or any other 936  
entity with the ability to make fingerprint impressions on the 937  
standard impression sheets prescribed by the superintendent. The 938  
office, department, or entity may charge the person a reasonable 939  
fee for making the impressions. The standard impression sheets the 940  
superintendent prescribes pursuant to this division may be in a 941  
tangible format, in an electronic format, or in both tangible and 942  
electronic formats. 943

(3) Subject to division (D) of this section, the 944

superintendent shall prescribe and charge a reasonable fee for 945  
providing a criminal records check under this section. The person 946  
requesting the criminal records check shall pay the fee prescribed 947  
pursuant to this division. In the case of a request under section 948  
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33, 949  
2151.412, or 5164.34 of the Revised Code, the fee shall be paid in 950  
the manner specified in that section. 951

(4) The superintendent of the bureau of criminal 952  
identification and investigation may prescribe methods of 953  
forwarding fingerprint impressions and information necessary to 954  
conduct a criminal records check, which methods shall include, but 955  
not be limited to, an electronic method. 956

(D) The results of a criminal records check conducted under 957  
this section, other than a criminal records check specified in 958  
division (A)(7) of this section, are valid for the person who is 959  
the subject of the criminal records check for a period of one year 960  
from the date upon which the superintendent completes the criminal 961  
records check. If during that period the superintendent receives 962  
another request for a criminal records check to be conducted under 963  
this section for that person, the superintendent shall provide the 964  
results from the previous criminal records check of the person at 965  
a lower fee than the fee prescribed for the initial criminal 966  
records check. 967

(E) When the superintendent receives a request for 968  
information from a registered private provider, the superintendent 969  
shall proceed as if the request was received from a school 970  
district board of education under section 3319.39 of the Revised 971  
Code. The superintendent shall apply division (A)(1)(c) of this 972  
section to any such request for an applicant who is a teacher. 973

(F)(1) All information regarding the results of a criminal 974  
records check conducted under this section that the superintendent 975  
reports or sends under division (A)(7) or (9) of this section to 976

the director of public safety, the treasurer of state, or the 977  
person, board, or entity that made the request for the criminal 978  
records check shall relate to the conviction of the subject 979  
person, or the subject person's plea of guilty to, a criminal 980  
offense. 981

(2) Division (F)(1) of this section does not limit, restrict, 982  
or preclude the superintendent's release of information that 983  
relates to the arrest of a person who is eighteen years of age or 984  
older, to an adjudication of a child as a delinquent child, or 985  
~~that relates~~ to a criminal conviction of a person under eighteen 986  
years of age ~~if the person's case was transferred back to a~~ 987  
~~juvenile court under division (B)(2) or (3) of section 2152.121 of~~ 988  
~~the Revised Code and the juvenile court imposed a disposition or~~ 989  
~~serious youthful offender disposition upon the person under either~~ 990  
~~division, if either of the following applies with respect to the~~ 991  
~~adjudication or conviction:~~ 992

~~(a) The adjudication or conviction was for a violation of~~ 993  
~~section 2903.01 or 2903.02 of the Revised Code.~~ 994

~~(b) The adjudication or conviction was for a sexually~~ 995  
~~oriented offense, as defined in section 2950.01 of the Revised~~ 996  
~~Code, the juvenile court was required to classify the child a~~ 997  
~~juvenile offender registrant for that offense under section~~ 998  
~~2152.82, 2152.83, or 2152.86 of the Revised Code, and that~~ 999  
~~classification has not been removed in circumstances in which a~~ 1000  
~~release of that nature is authorized under division (E)(2), (3),~~ 1001  
~~or (4) of section 109.57 of the Revised Code pursuant to a rule~~ 1002  
~~adopted under division (E)(1) of that section.~~ 1003

(G) As used in this section: 1004

(1) "Criminal records check" means any criminal records check 1005  
conducted by the superintendent of the bureau of criminal 1006  
identification and investigation in accordance with division (B) 1007

of this section. 1008

(2) "Minor drug possession offense" has the same meaning as 1009  
in section 2925.01 of the Revised Code. 1010

(3) "OVI or OVUAC violation" means a violation of section 1011  
4511.19 of the Revised Code or a violation of an existing or 1012  
former law of this state, any other state, or the United States 1013  
that is substantially equivalent to section 4511.19 of the Revised 1014  
Code. 1015

(4) "Registered private provider" means a nonpublic school or 1016  
entity registered with the superintendent of public instruction 1017  
under section 3310.41 of the Revised Code to participate in the 1018  
autism scholarship program or section 3310.58 of the Revised Code 1019  
to participate in the Jon Peterson special needs scholarship 1020  
program. 1021

**Sec. 109.578.** (A) On receipt of a request pursuant to section 1022  
505.381, 737.081, 737.221, or 4765.301 of the Revised Code, a 1023  
completed form prescribed pursuant to division (C)(1) of this 1024  
section, and a set of fingerprint impressions obtained in the 1025  
manner described in division (C)(2) of this section, the 1026  
superintendent of the bureau of criminal identification and 1027  
investigation shall conduct a criminal records check in the manner 1028  
described in division (B) of this section to determine whether any 1029  
information exists that indicates that the person who is the 1030  
subject of the request previously has been convicted of or pleaded 1031  
guilty to any of the following: 1032

(1) A felony; 1033

(2) A violation of section 2909.03 of the Revised Code; 1034

(3) A violation of an existing or former law of this state, 1035  
any other state, or the United States that is substantially 1036  
equivalent to any of the offenses listed in division (A)(1) or (2) 1037

of this section. 1038

(B) Subject to division (E) of this section, the 1039  
superintendent shall conduct any criminal records check pursuant 1040  
to division (A) of this section as follows: 1041

(1) The superintendent shall review or cause to be reviewed 1042  
any relevant information gathered and compiled by the bureau under 1043  
division (A) of section 109.57 of the Revised Code that relates to 1044  
the person who is the subject of the request, including any 1045  
relevant information contained in records that have been sealed 1046  
under section 2953.32 of the Revised Code. 1047

(2) If the request received by the superintendent asks for 1048  
information from the federal bureau of investigation, the 1049  
superintendent shall request from the federal bureau of 1050  
investigation any information it has with respect to the person 1051  
who is the subject of the request and shall review or cause to be 1052  
reviewed any information the superintendent receives from that 1053  
bureau. 1054

(C)(1) The superintendent shall prescribe a form to obtain 1055  
the information necessary to conduct a criminal records check from 1056  
any person for whom a criminal records check is requested pursuant 1057  
to section 505.381, 737.081, 737.221, or 4765.301 of the Revised 1058  
Code. The form that the superintendent prescribes pursuant to this 1059  
division may be in a tangible format, in an electronic format, or 1060  
in both tangible and electronic formats. 1061

(2) The superintendent shall prescribe standard impression 1062  
sheets to obtain the fingerprint impressions of any person for 1063  
whom a criminal records check is requested pursuant to section 1064  
505.381, 737.081, 737.221, or 4765.301 of the Revised Code. Any 1065  
person for whom a records check is requested pursuant to any of 1066  
those sections shall obtain the fingerprint impressions at a 1067  
county sheriff's office, a municipal police department, or any 1068

other entity with the ability to make fingerprint impressions on 1069  
the standard impression sheets prescribed by the superintendent. 1070  
The office, department, or entity may charge the person a 1071  
reasonable fee for making the impressions. The standard impression 1072  
sheets the superintendent prescribes pursuant to this division may 1073  
be in a tangible format, in an electronic format, or in both 1074  
tangible and electronic formats. 1075

(3) Subject to division (D) of this section, the 1076  
superintendent shall prescribe and charge a reasonable fee for 1077  
providing a criminal records check requested under section 1078  
505.381, 737.081, 737.221, or 4765.301 of the Revised Code. The 1079  
person making the criminal records request shall pay the fee 1080  
prescribed pursuant to this division. 1081

(4) The superintendent may prescribe methods of forwarding 1082  
fingerprint impressions and information necessary to conduct a 1083  
criminal records check. The methods shall include, but are not 1084  
limited to, an electronic method. 1085

(D) A determination whether any information exists that 1086  
indicates that a person previously has been convicted of or 1087  
pleaded guilty to any offense listed or described in division (A) 1088  
of this section and that the superintendent made with respect to 1089  
information considered in a criminal records check in accordance 1090  
with this section is valid for the person who is the subject of 1091  
the criminal records check for a period of one year from the date 1092  
upon which the superintendent makes the determination. During the 1093  
period in which the determination in regard to a person is valid, 1094  
if another request under this section is made for a criminal 1095  
records check for that person, the superintendent shall provide 1096  
the information that is the basis for the superintendent's initial 1097  
determination at a lower fee than the fee prescribed for the 1098  
initial criminal records check. 1099

(E)(1) All information regarding the results of a criminal 1100

records check conducted under this section that the superintendent 1101  
reports or sends under this section to the person, board, or 1102  
entity that made the request for the criminal records check shall 1103  
relate to the conviction of the subject person, or the subject 1104  
person's plea of guilty to, a criminal offense. 1105

(2) Division (E)(1) of this section does not limit, restrict, 1106  
or preclude the superintendent's release of information that 1107  
relates to the arrest of a person who is eighteen years of age or 1108  
older, to an adjudication of a child as a delinquent child, or 1109  
~~that relates~~ to a criminal conviction of a person under eighteen 1110  
years of age ~~if the person's case was transferred back to a~~ 1111  
~~juvenile court under division (B)(2) or (3) of section 2152.121 of~~ 1112  
~~the Revised Code and the juvenile court imposed a disposition or~~ 1113  
~~serious youthful offender disposition upon the person under either~~ 1114  
~~division, if either of the following applies with respect to the~~ 1115  
~~adjudication or conviction:~~ 1116

~~(a) The adjudication or conviction was for a violation of~~ 1117  
~~section 2903.01 or 2903.02 of the Revised Code.~~ 1118

~~(b) The adjudication or conviction was for a sexually~~ 1119  
~~oriented offense, as defined in section 2950.01 of the Revised~~ 1120  
~~Code, the juvenile court was required to classify the child a~~ 1121  
~~juvenile offender registrant for that offense under section~~ 1122  
~~2152.82, 2152.83, or 2152.86 of the Revised Code, and that~~ 1123  
~~classification has not been removed in circumstances in which a~~ 1124  
~~release of that nature is authorized under division (E)(2), (3),~~ 1125  
~~or (4) of section 109.57 of the Revised Code pursuant to a rule~~ 1126  
~~adopted under division (E)(1) of that section.~~ 1127

(F) As used in this section, "criminal records check" means 1128  
any criminal records check conducted by the superintendent of the 1129  
bureau of criminal identification and investigation in accordance 1130  
with division (B) of this section. 1131

**Sec. 122.681.** (A) Except as permitted by this section, or 1132  
when required by federal law, no person or government entity shall 1133  
solicit, release, disclose, receive, use, or knowingly permit or 1134  
participate in the use of any information regarding an individual 1135  
receiving assistance pursuant to a community services division 1136  
program under sections 122.66 to 122.702 of the Revised Code for 1137  
any purpose not directly related to the administration of a 1138  
division assistance program. 1139

(B) To the extent permitted by federal law, the division, and 1140  
any entity that receives division funds to administer a division 1141  
program to assist individuals, shall release information regarding 1142  
an individual assistance recipient to the following: 1143

(1) A government entity responsible for administering the 1144  
assistance program for purposes directly related to the 1145  
administration of the program; 1146

(2) A law enforcement agency for the purpose of any 1147  
investigation, prosecution, or criminal or civil proceeding 1148  
relating to the administration of the assistance program; 1149

(3) A government entity responsible for administering a 1150  
children's protective services program, for the purpose of 1151  
protecting children; 1152

(4) Any appropriate person in compliance with a search 1153  
warrant, subpoena, or other court order. 1154

(C) To the extent permitted by federal law and section 1155  
1347.08 of the Revised Code, the division, and any entity 1156  
administering a division program, shall provide access to 1157  
information regarding an individual assistance recipient to all of 1158  
the following: 1159

(1) The individual assistance recipient; 1160

(2) The authorized representative of the individual 1161

assistance recipient;	1162
(3) The legal guardian of the individual assistance recipient;	1163 1164
(4) The attorney of the individual assistance recipient.	1165
(D) To the extent permitted by federal law, the division, and any entity administering a division program, may do either of the following:	1166 1167 1168
(1) Release information about an individual assistance recipient if the recipient gives voluntary, written authorization;	1169 1170
(2) Release information regarding an individual assistance recipient to a state, federal, or federally assisted program that provides cash or in-kind assistance or services directly to individuals based on need.	1171 1172 1173 1174
(E) The community services division, or an entity administering a division program, shall provide, at no cost, a copy of each written authorization to the individual who signed it.	1175 1176 1177 1178
(F) The development services agency may adopt rules defining who may serve as an individual assistance recipient's authorized representative for purposes of division (C)(2) of this section.	1179 1180 1181
<b>Sec. 307.932.</b> (A) As used in this section:	1182
(1) "Division of parole and community services" means the division of parole and community services of the department of rehabilitation and correction.	1183 1184 1185
(2) "Eligible offender" means, in relation to a particular community alternative sentencing center or district community alternative sentencing center established and operated under <del>division (E) of</del> this section, an offender who has been convicted of or pleaded guilty to a qualifying misdemeanor offense, for whom	1186 1187 1188 1189 1190

no provision of the Revised Code or ordinance of a municipal corporation other than section 4511.19 of the Revised Code, both ~~section~~ sections 4510.14 and 4511.19 of the Revised Code, or an ordinance or ordinances of a municipal corporation that provide the penalties for a municipal OVI offense or for both a municipal OVI ordinance and a municipal DUS ordinance of the municipal corporation requires the imposition of a mandatory jail term for that qualifying misdemeanor offense, and who is eligible to be sentenced directly to that center and admitted to it under rules adopted under division (G) of this section by the board of county commissioners ~~or~~, affiliated group of boards of county commissioners, or municipal corporation that established and operates that center.

(3) "Municipal OVI offense" has the same meaning as in section 4511.181 of the Revised Code.

(4) "OVI term of confinement" means a term of confinement imposed for a violation of section 4511.19 of the Revised Code or for a municipal OVI offense, including any mandatory jail term or mandatory term of local incarceration imposed for that violation or offense.

(5) "Community residential sanction" means a community residential sanction imposed under section 2929.26 of the Revised Code for a misdemeanor violation of a section of the Revised Code or a term of confinement imposed for a misdemeanor violation of a municipal ordinance that is not a jail term.

(6) "Qualifying misdemeanor offense" means a violation of any section of the Revised Code that is a misdemeanor or a violation of any ordinance of a municipal corporation located in the county that is a misdemeanor.

(7) "Municipal DUS offense" means a violation of a municipal ordinance that is substantially equivalent to section 4510.14 of

the Revised Code. 1222

(B)(1) The board of county commissioners of any county, in 1223  
consultation with the sheriff of the county, may ~~formulate a~~ 1224  
~~proposal for~~ establish a community alternative sentencing center 1225  
that, upon implementation by the county or being subcontracted to 1226  
or operated by a nonprofit organization, ~~would~~ shall be used for 1227  
the confinement of eligible offenders sentenced directly to the 1228  
center by a court located in ~~the~~ any county pursuant to a 1229  
community residential sanction of not more than ~~thirty~~ ninety days 1230  
or pursuant to an OVI term of confinement of not more than ~~sixty~~ 1231  
ninety days, and for the purpose of closely monitoring those 1232  
eligible offenders' adjustment to community supervision. A board 1233  
that ~~formulates~~ establishes a ~~proposal~~ center pursuant to this 1234  
division shall do so by resolution. 1235

(2) The boards of county commissioners of two or more 1236  
adjoining or neighboring counties, in consultation with the 1237  
sheriffs of each of those counties, may affiliate and ~~formulate~~ 1238  
establish by resolution adopted by each of them a ~~proposal for~~ a 1239  
district community alternative sentencing center that, upon 1240  
implementation by the counties or being subcontracted to or 1241  
operated by a nonprofit organization, ~~would~~ shall be used for the 1242  
confinement of eligible offenders sentenced directly to the center 1243  
by a court located in ~~any of those counties~~ county pursuant to a 1244  
community residential sanction of not more than ~~thirty~~ ninety days 1245  
or pursuant to an OVI term of confinement of not more than ~~sixty~~ 1246  
ninety days, and for the purpose of closely monitoring those 1247  
eligible offenders' adjustment to community supervision. Each 1248  
board that affiliates with one or more other boards to ~~formulate~~ 1249  
establish a ~~proposal~~ center pursuant to this division shall 1250  
~~formulate the proposal~~ do so by resolution. 1251

(3) A municipal corporation may establish a community 1252  
alternative sentencing center that, upon implementation by the 1253

municipal corporation or being subcontracted to or operated by a 1254  
nonprofit organization, shall be used for the confinement of 1255  
eligible offenders sentenced directly to the center by a court 1256  
located in any county pursuant to a community residential sanction 1257  
of not more than ninety days or pursuant to an OVI term of 1258  
confinement of not more than ninety days, and for the purpose of 1259  
closely monitoring those eligible offenders' adjustment to 1260  
community supervision. A municipal corporation that establishes a 1261  
center pursuant to this division shall do so by resolution. 1262

(C) Each ~~proposal for resolution establishing~~ a community 1263  
alternative sentencing center or a district community alternative 1264  
sentencing center ~~that is formulated~~ under division (B)(1) or (2) 1265  
of this section shall include ~~proposals~~ provisions for operation 1266  
of the center and for criteria to define which offenders are 1267  
eligible to be sentenced directly to the center and admitted to 1268  
it. At a minimum, the ~~proposed~~ criteria that define which 1269  
offenders are eligible to be sentenced directly to the center and 1270  
admitted to it shall provide ~~all of the following:~~ 1271

~~(1) That~~ that an offender is eligible to be sentenced 1272  
directly to the center and admitted to it if the offender has been 1273  
convicted of or pleaded guilty to a qualifying misdemeanor offense 1274  
and is sentenced directly to the center for the qualifying 1275  
misdemeanor offense pursuant to a community residential sanction 1276  
of not more than ~~thirty~~ ninety days or pursuant to an OVI term of 1277  
confinement of not more than ~~sixty~~ ninety days by a court that is 1278  
located in ~~the~~ any county ~~or one of the counties served by the~~ 1279  
~~board of county commissioners or by any of the affiliated group of~~ 1280  
~~boards of county commissioners that submits the proposal;~~ 1281

~~(2) That, except as otherwise provided in this division, no~~ 1282  
~~offender is eligible to be sentenced directly to the center or~~ 1283  
~~admitted to it if, in addition to the community residential~~ 1284  
~~sanction or OVI term of confinement described in division (C)(1)~~ 1285

~~of this section, the offender is serving or has been sentenced to 1286  
serve any other jail term, prison term, or community residential 1287  
sanction. A mandatory jail term or electronic monitoring imposed 1288  
in lieu of a mandatory jail term for a violation of section 1289  
4511.19 of the Revised Code, for a municipal OVI offense, or for 1290  
either such offense and a similar offense that exceeds sixty days 1291  
of confinement shall not disqualify the offender from serving 1292  
sixty days of the mandatory jail term at the center. 1293~~

(D) If a ~~proposal for a~~ community alternative sentencing 1294  
center or a district community alternative sentencing center that 1295  
is ~~formulated~~ established under division (B)(1) ~~or (2)~~ of this 1296  
section contemplates the use of an existing facility, or a part of 1297  
an existing facility, as the center, nothing in this section 1298  
limits, restricts, or precludes the use of the facility, the part 1299  
of the facility, or any other part of the facility for any purpose 1300  
other than as a community alternative sentencing center or 1301  
district community alternative sentencing center. 1302

(E) ~~The establishment and operation of a community 1303  
alternative sentencing center or district community alternative 1304  
sentencing center may be done by subcontracting with a nonprofit 1305  
organization for the operation of the center. 1306~~

If a board of county commissioners ~~or~~ an affiliated group of 1307  
boards of county commissioners, or municipal corporation 1308  
establishes and operates or subcontracts with a nonprofit 1309  
organization for the operation of a community alternative 1310  
sentencing center or district community alternative sentencing 1311  
center under this division, except as otherwise provided in this 1312  
division, the center is not a minimum security jail under section 1313  
341.14, section 753.21, or any other provision of the Revised 1314  
Code, is not a jail or alternative residential facility as defined 1315  
in section 2929.01 of the Revised Code, is not required to satisfy 1316  
or comply with minimum standards for minimum security jails or 1317

other jails that are promulgated under division (A) of section 1318  
5120.10 of the Revised Code, is not a local detention facility as 1319  
defined in section 2929.36 of the Revised Code, and is not a 1320  
residential unit as defined in section 2950.01 of the Revised 1321  
Code. The center is a detention facility as defined in sections 1322  
2921.01 and 2923.124 of the Revised Code, and an eligible offender 1323  
confined in the center is under detention as defined in section 1324  
2921.01 of the Revised Code. Regarding persons sentenced directly 1325  
to the center under an OVI term of confinement or under both an 1326  
OVI term of confinement and confinement for a violation of section 1327  
4510.14 of the Revised Code or a municipal DUS offense, the center 1328  
shall be considered a "jail" or "local correctional facility" for 1329  
purposes of any provision in section 4510.14 or 4511.19 of the 1330  
Revised Code or in an ordinance of a municipal corporation that 1331  
requires a mandatory jail term or mandatory term of local 1332  
incarceration for the violation of section 4511.19 of the Revised 1333  
Code, the violation of both section 4510.14 and 4511.19 of the 1334  
Revised Code, the municipal OVI offense, or the municipal OVI 1335  
offense and the municipal DUS offense, and a direct sentence of a 1336  
person to the center under an OVI term of confinement or under 1337  
both an OVI term of confinement and confinement for a violation of 1338  
section 4510.14 of the Revised Code or a municipal DUS offense 1339  
shall be considered to be a sentence to a "jail" or "local 1340  
correctional facility" for purposes of any such provision in 1341  
section 4510.14 or 4511.19 of the Revised Code or in an ordinance 1342  
of a municipal corporation. 1343

(F)(1) If the board of county commissioners of a county that 1344  
is being served by a community alternative sentencing center 1345  
established pursuant to ~~division (E) of~~ this section determines 1346  
that it no longer wants to be served by the center, the board may 1347  
dissolve the center by adopting a resolution evidencing the 1348  
determination to dissolve the center. 1349

(2) If the boards of county commissioners of all of the 1350  
counties served by any district community alternative sentencing 1351  
center established pursuant to ~~division (E)~~ of this section 1352  
determine that they no longer want to be served by the center, the 1353  
boards may dissolve the center by adopting in each county a 1354  
resolution evidencing the determination to dissolve the center. 1355

(3) If at least one, but not all, of the boards of county 1356  
commissioners of the counties being served by any district 1357  
community alternative sentencing center established pursuant to 1358  
~~division (E)~~ of this section determines that it no longer wants to 1359  
be served by the center, the board may terminate its involvement 1360  
with the center by adopting a resolution evidencing the 1361  
determination to terminate its involvement with the center. If at 1362  
least one, but not all, of the boards of county commissioners of 1363  
the counties being served by any community alternative sentencing 1364  
center terminates its involvement with the center in accordance 1365  
with this division, the other boards of county commissioners of 1366  
the counties being served by the center may continue to be served 1367  
by the center. 1368

(4) If a municipal corporation that is being served by a 1369  
community alternative sentencing center established pursuant to 1370  
this section determines that it no longer wants to be served by 1371  
the center, the municipal corporation may dissolve the center by 1372  
adopting a resolution evidencing the determination to dissolve the 1373  
center. 1374

(G) Prior to ~~establishing or~~ operating a community 1375  
alternative sentencing center or a district community alternative 1376  
sentencing center, the board of county commissioners ~~or~~, the 1377  
affiliated group of boards of county commissioners, or municipal 1378  
corporation that ~~formulated~~ established the ~~proposal~~ center shall 1379  
adopt rules for the operation of the center. The rules shall 1380  
include criteria that define which offenders are eligible to be 1381

sentenced directly to the center and admitted to it. 1382

(H) If a board of county commissioners ~~establishes and~~ 1383  
~~operates or subcontracts with a nonprofit organization for the~~ 1384  
~~operation of~~ a community alternative sentencing center ~~under~~ 1385  
~~division (E) of this section, or~~ an affiliated group of boards of 1386  
county commissioners ~~establishes and~~ operates or subcontracts with 1387  
a nonprofit organization for the operation of a district community 1388  
alternative sentencing center, or a municipal corporation operates 1389  
or subcontracts with a nonprofit organization for the operation of 1390  
a community alternative sentencing center under ~~that division~~ this 1391  
section, all of the following apply: 1392

(1) ~~Any~~ With the approval of the operator of the center, a 1393  
court located within the any county ~~served by the board that~~ 1394  
~~establishes and operates a community alternative sentencing center~~ 1395  
may directly sentence eligible offenders to ~~the~~ a community 1396  
alternative sentencing center or district community alternative 1397  
sentencing center pursuant to a community residential sanction of 1398  
not more than ~~thirty~~ ninety days or pursuant to an OVI term of 1399  
confinement, a combination of an OVI term of confinement and 1400  
confinement for a violation of section 4510.14 of the Revised 1401  
Code, or confinement for a municipal DUS offense of not more than 1402  
ninety days. ~~Any court located within a county served by any of~~ 1403  
~~the boards that establishes and operates a district community~~ 1404  
~~alternative sentencing center may directly sentence eligible~~ 1405  
~~offenders to the center pursuant to a community residential~~ 1406  
~~sanction of not more than thirty days or pursuant to an OVI term~~ 1407  
~~of confinement, a combination of an OVI term of confinement and~~ 1408  
~~confinement for a violation of section 4510.14 of the Revised~~ 1409  
~~Code, or confinement for a municipal DUS offense of not more than~~ 1410  
~~sixty days.~~ 1411

(2) Each eligible offender who is sentenced to the center as 1412  
described in division (H)(1) of this section and admitted to it 1413

shall be offered during the eligible offender's confinement at the 1414  
center educational and vocational services and reentry planning 1415  
and may be offered any other treatment and rehabilitative services 1416  
that are available and that the court that sentenced the 1417  
particular eligible offender to the center and the administrator 1418  
of the center determine are appropriate based upon the offense for 1419  
which the eligible offender was sentenced to the community 1420  
residential sanction and the length of the sanction. 1421

(3) Before accepting an eligible offender sentenced to the 1422  
center by a court, the board ~~or~~ the affiliated group of boards, 1423  
or the municipal corporation shall enter into an agreement with a 1424  
political subdivision that operates that court that addresses the 1425  
cost and payment of medical treatment or services received by 1426  
eligible offenders sentenced by that court while they are confined 1427  
in the center. The agreement may provide for the payment of the 1428  
costs by the particular eligible offender who receives the 1429  
treatment or services, as described in division (I) of this 1430  
section. 1431

~~(4) If a court sentences an eligible offender to a center 1432  
under authority of division (H)(1) of this section, immediately 1433  
after the sentence is imposed, the eligible offender shall be 1434  
taken to the probation department that serves the court. The 1435  
department shall handle any preliminary matters regarding the 1436  
admission of the eligible offender to the center, including a 1437  
determination as to whether the eligible offender may be admitted 1438  
to the center under the criteria included in the rules adopted 1439  
under division (G) of this section that define which offenders are 1440  
eligible to be sentenced and admitted to the center. If the 1441  
eligible offender is accepted for admission to the center, the 1442  
department shall schedule the eligible offender for the admission 1443  
and shall provide for the transportation of the offender to the 1444  
center. If an eligible offender who is sentenced to the center 1445~~

~~under a community residential sanction is not accepted for~~ 1446  
~~admission to the center for any reason, the nonacceptance shall be~~ 1447  
~~considered a violation of a condition of the community residential~~ 1448  
~~sanction, the eligible offender shall be taken before the court~~ 1449  
~~that imposed the sentence, and the court may proceed as specified~~ 1450  
~~in division (C)(2) of section 2929.25 of the Revised Code based on~~ 1451  
~~the violation or as provided by ordinance of the municipal~~ 1452  
~~corporation based on the violation, whichever is applicable. If an~~ 1453  
~~eligible offender who is sentenced to the center under an OVI term~~ 1454  
~~of confinement is not accepted for admission to the center for any~~ 1455  
~~reason, the eligible offender shall be taken before the court that~~ 1456  
~~imposed the sentence, and the court shall determine the place at~~ 1457  
~~which the offender is to serve the term of confinement. If the an~~ 1458  
~~eligible offender a court sentences to the center is admitted to~~ 1459  
~~the center, all of the following apply:~~ 1460

(a) The admission shall be under the terms and conditions 1461  
established by the court and the administrator of the center, and 1462  
the court and the administrator of the center shall provide for 1463  
the confinement of the eligible offender and supervise the 1464  
eligible offender as provided in divisions (H)(4)(b) to (f) of 1465  
this section. 1466

(b) The eligible offender shall be confined in the center 1467  
during any period of time that the eligible offender is not 1468  
actually working at the eligible offender's approved work release 1469  
described in division (H)(4)(c) of this section, engaged in 1470  
community service activities described in division (H)(4)(d) of 1471  
this section, engaged in authorized vocational training or another 1472  
authorized educational program, engaged in another program 1473  
designated by the administrator of the center, or engaged in other 1474  
activities approved by the court and the administrator of the 1475  
center. 1476

(c) If the court and the administrator of the center 1477

determine that work release is appropriate based upon the offense 1478  
for which the eligible offender was sentenced to the community 1479  
residential sanction or OVI term of confinement and the length of 1480  
the sanction or term, the eligible offender may be offered work 1481  
release from confinement at the center and be released from 1482  
confinement while engaged in the work release. 1483

(d) An eligible offender may not participate in community 1484  
service without the court's approval. If the administrator of the 1485  
center determines that community service is appropriate and if the 1486  
eligible offender will be confined for more than ten days at the 1487  
center, the eligible offender may be required to participate in 1488  
community service activities approved by the court and by the 1489  
political subdivision served by the court. Community service 1490  
activities that may be required under this division may take place 1491  
in facilities of the political subdivision that operates the 1492  
court, in the community, or in both such locales. The eligible 1493  
offender shall be released from confinement while engaged in the 1494  
community service activities. Community service activities 1495  
required under this division shall be supervised by the court or 1496  
an official designated by the board of county commissioners or 1497  
affiliated group of boards of county commissioners that 1498  
established and is operating the center. Community service 1499  
activities required under this division shall not exceed in 1500  
duration the period for which the eligible offender will be 1501  
confined at the center under the community residential sanction or 1502  
the OVI term of confinement. 1503

(e) The confinement of the eligible offender in the center 1504  
shall be considered for purposes of this division and division 1505  
(H)(4)(f) of this section as including any period of time 1506  
described in division (H)(4)(b) of this section when the eligible 1507  
offender may be outside of the center and shall continue until the 1508  
expiration of the community residential sanction, the OVI term of 1509

confinement, or the combination of the OVI term of confinement and 1510  
the confinement for the violation of section 4510.14 of the 1511  
Revised Code or the municipal DUS ordinance that the eligible 1512  
offender is serving upon admission to the center. 1513

(f) After the admission and until the expiration of the 1514  
community residential sanction or OVI term of confinement that the 1515  
eligible offender is serving upon admission to the center, the 1516  
eligible offender shall be considered for purposes of any 1517  
provision in Title XXIX of the Revised Code to be serving the 1518  
community residential sanction or OVI term of confinement. 1519

(5) The administrator of the center, or the administrator's 1520  
designee, shall post a sign as described in division (A)(4) of 1521  
section 2923.1212 of the Revised Code in a conspicuous location at 1522  
the center. 1523

(I) The board of county commissioners that establishes ~~and~~ 1524  
~~operates~~ a community alternative sentencing center under ~~division~~ 1525  
~~(E)~~ of this section, ~~or~~ the affiliated group of boards of county 1526  
commissioners that establishes ~~and operates~~ a district community 1527  
alternative sentencing center under ~~that division~~ this section, or 1528  
the municipal corporation that establishes a community alternative 1529  
sentencing center under this section, may require an eligible 1530  
offender who is sentenced directly to the center and admitted to 1531  
it to pay to the county served by the board ~~or~~ the counties 1532  
served by the affiliated group of boards, the municipal 1533  
corporation, or the entity operating the center the reasonable 1534  
expenses incurred by the county ~~or~~ counties, municipal 1535  
corporation, or entity, whichever is applicable, in supervising or 1536  
confining the eligible offender after being sentenced to the 1537  
center and admitted. Inability to pay those reasonable expenses 1538  
shall not be grounds for refusing to admit an otherwise eligible 1539  
offender to the center. 1540

(J)(1) If an eligible offender who is directly sentenced to a 1541

community alternative sentencing center or district community 1542  
alternative sentencing center and admitted to the center 1543  
successfully completes the service of the community residential 1544  
sanction in the center, the administrator of the center shall 1545  
notify the court that imposed the sentence, and the court shall 1546  
enter into the journal that the eligible offender successfully 1547  
completed the service of the sanction. 1548

(2) If an eligible offender who is directly sentenced to a 1549  
community alternative sentencing center or district community 1550  
alternative sentencing center and admitted to the center violates 1551  
any rule established under this section by the board of county 1552  
commissioners or the affiliated group of boards of county 1553  
commissioners that establishes ~~and operates~~ the center, violates 1554  
any condition of the community residential sanction, the OVI term 1555  
of confinement, or the combination of the OVI term of confinement 1556  
and the confinement for the violation of section 4510.14 of the 1557  
Revised Code or the municipal OVI ordinance imposed by the 1558  
sentencing court, or otherwise does not successfully complete the 1559  
service of the community residential sanction or OVI term of 1560  
confinement in the center, the administrator of the center shall 1561  
report the violation or failure to successfully complete the 1562  
sanction or term directly to the court or to the probation 1563  
department or probation officer with general control and 1564  
supervision over the eligible offender. A failure to successfully 1565  
complete the service of the community residential sanction, the 1566  
OVI term of confinement, or the combination of the OVI term of 1567  
confinement and the confinement for the violation of section 1568  
4510.14 of the Revised Code or the municipal OVI ordinance in the 1569  
center shall be considered a violation of a condition of the 1570  
community residential sanction or the OVI term of confinement. If 1571  
the administrator reports the violation to the probation 1572  
department or probation officer, the department or officer shall 1573  
report the violation to the court. Upon its receipt under this 1574

division of a report of a violation or failure to complete the 1575  
sanction by a person sentenced to the center under a community 1576  
residential sanction, the court may proceed as specified in 1577  
division (C)(2) of section 2929.25 of the Revised Code based on 1578  
the violation or as provided by ordinance of the municipal 1579  
corporation based on the violation, whichever is applicable. Upon 1580  
its receipt under this division of a report of a violation or 1581  
failure to complete the term by a person sentenced to the center 1582  
under an OVI term of confinement, the court shall determine the 1583  
place at which the offender is to serve the remainder of the term 1584  
of confinement. The eligible offender shall receive credit towards 1585  
completing the eligible offender's sentence for the time spent in 1586  
the center after admission to it. 1587

**Sec. 1901.44.** (A)(1) Notwithstanding any other provision of 1588  
the Revised Code, if at the time of sentencing or at any time 1589  
after sentencing a municipal court finds that a person who is 1590  
found guilty of an offense is unable to pay costs, the court may 1591  
order the offender to perform community service in lieu of costs. 1592

(2) Notwithstanding any other provision of the Revised Code, 1593  
if at the time of sentencing or at any time after sentencing a 1594  
municipal court finds that a person who is found guilty of an 1595  
offense will not be able to pay costs in full when they are due, 1596  
the court may order the offender to pay the costs in installments 1597  
according to a schedule set by the court. 1598

(B) If a person is charged with an offense in municipal court 1599  
and either fails to appear in court at the required time and place 1600  
to answer the charge or pleads guilty to or is found guilty of the 1601  
offense and fails within the time allowed by the court to pay any 1602  
fine or costs imposed by the court, ~~unless the court previously~~ 1603  
~~has given written notice to the person, the court shall send the~~ 1604  
~~person a notice by ordinary mail at the person's last known~~ 1605

~~address stating that there is a balance due, specifying the amount 1606  
of the balance due, and directing the person to contact the court 1607  
clerk's office within ten days of the date of the notice. The 1608  
notice shall include the sentence: "WARNING: Failure to timely 1609  
respond to this notice may result in the blocking of your motor 1610  
vehicle registration or transfer of registration!" To avoid a 1611  
block on the person's motor vehicle registration or transfer of 1612  
registration, the person may enter into a written agreement with 1613  
the court to pay the balance due in installments or to perform 1614  
community service in lieu of payment. The agreement shall include 1615  
the sentence: "WARNING: Failure to comply with the payment 1616  
schedule or to complete your community service requirement may 1617  
result in the blocking of your motor vehicle registration or 1618  
transfer of registration!" 1619~~

~~If a person does not enter into an agreement under this 1620  
division or if a person fails to comply with an agreement entered 1621  
into under this division, the court may enter information relative 1622  
to the person's failure to pay any outstanding amount of the fine 1623  
or costs on a form prescribed or approved by the registrar of 1624  
motor vehicles pursuant to division (C) of this section and send 1625  
the form to the registrar. Upon receipt of the form, the registrar 1626  
shall take any measures necessary to ensure that neither the 1627  
registrar nor any deputy registrar accepts any application for the 1628  
registration or transfer of registration of any motor vehicle 1629  
owned or leased by the person. However, for a motor vehicle leased 1630  
by the person, the registrar shall not implement this requirement 1631  
until the registrar adopts procedures for that implementation 1632  
under section 4503.39 of the Revised Code. 1633~~

The period of denial relating to the issuance or transfer of 1634  
a certificate of registration for a motor vehicle imposed under 1635  
this section remains in effect until the person pays any fine or 1636  
costs imposed by the court relative to the offense. When the fine 1637

or costs have been paid in full, the court shall inform the 1638  
registrar of the payment by entering information relative to the 1639  
payment on a notice of payment form prescribed or approved by the 1640  
registrar pursuant to division (C) of this section and sending the 1641  
form to the registrar. 1642

(C) The registrar shall prescribe and make available to 1643  
municipal courts forms to be used for a notice to the registrar of 1644  
failure to pay fines or costs and a notice to the registrar of 1645  
payment of fines or costs under division (B) of this section. The 1646  
registrar may approve the use of other forms for these purposes. 1647

The registrar may require that any of the forms prescribed or 1648  
approved pursuant to this section be transmitted to the registrar 1649  
electronically. If the registrar requires electronic transmission, 1650  
the registrar shall not be required to give effect to any form 1651  
that is not transmitted electronically. 1652

**Sec. 1905.202.** (A)(1) Notwithstanding any other provision of 1653  
the Revised Code, if at the time of sentencing or at any time 1654  
after sentencing a mayor's court finds that a person who is found 1655  
guilty of an offense is unable to pay costs, the court may order 1656  
the offender to perform community service in lieu of costs. 1657

(2) Notwithstanding any other provision of the Revised Code, 1658  
if at the time of sentencing or at any time after sentencing a 1659  
mayor's court finds that a person who is found guilty of an 1660  
offense will not be able to pay costs in full when they are due, 1661  
the court may order the offender to pay the costs in installments 1662  
according to a schedule set by the court. 1663

(B) If a person is charged with an offense in mayor's court 1664  
and either fails to appear in court at the required time and place 1665  
to answer the charge or pleads guilty to or is found guilty of the 1666  
offense and fails within the time allowed by the court to pay any 1667  
fine or costs imposed by the court, ~~unless the court previously~~ 1668

~~has given written notice to the person, the court shall send the person a notice by ordinary mail at the person's last known address stating that there is a balance due, specifying the amount of the balance due, and directing the person to contact the court clerk's office within ten days of the date of the notice. The notice shall include the sentence: "WARNING: Failure to timely respond to this notice may result in the blocking of your motor vehicle registration or transfer of registration!" To avoid a block on the person's motor vehicle registration or transfer of registration, the person may enter into a written agreement with the court to pay the balance due in installments or to perform community service in lieu of payment. The agreement shall include the sentence: "WARNING: Failure to comply with the payment schedule or to complete your community service requirement may result in the blocking of your motor vehicle registration or transfer of registration!"~~

~~If a person does not enter into an agreement under this division or if a person fails to comply with an agreement entered into under this division,~~ the court may enter information relative to the person's failure to pay any outstanding amount of the fine or costs on a form prescribed or approved by the registrar of motor vehicles pursuant to division (C) of this section and send the form to the registrar. Upon receipt of the form, the registrar shall take any measures necessary to ensure that neither the registrar nor any deputy registrar accepts any application for the registration or transfer of registration of any motor vehicle owned or leased by the person. However, for a motor vehicle leased by the person, the registrar shall not implement this requirement until the registrar adopts procedures for that implementation under section 4503.39 of the Revised Code.

The period of denial relating to the issuance or transfer of a certificate of registration for a motor vehicle imposed under

this section remains in effect until the person pays any fine or costs imposed by the court relative to the offense. When the fine or costs have been paid in full, the court shall inform the registrar of the payment by entering information relative to the payment on a notice of payment form prescribed or approved by the registrar pursuant to division (C) of this section and sending the form to the registrar.

(C) The registrar shall prescribe and make available to mayor's courts forms to be used for a notice to the registrar of failure to pay fines or costs and a notice to the registrar of payment of fines or costs under division (B) of this section. The registrar may approve the use of other forms for these purposes.

The registrar may require that any of the forms prescribed or approved pursuant to this section be transmitted to the registrar electronically. If the registrar requires electronic transmission, the registrar shall not be required to give effect to any form that is not transmitted electronically.

**Sec. 1907.25.** (A)(1) Notwithstanding any other provision of the Revised Code, if at the time of sentencing or at any time after sentencing a county court finds that a person who is found guilty of an offense is unable to pay costs, the court may order the offender to perform community service in lieu of costs.

(2) Notwithstanding any other provision of the Revised Code, if at the time of sentencing or at any time after sentencing a county court finds that a person who is found guilty of an offense will not be able to pay costs in full when they are due, the court may order the offender to pay the costs in installments according to a schedule set by the court.

(B) If a person is charged with an offense in county court and either fails to appear in court at the required time and place to answer the charge or pleads guilty to or is found guilty of the

~~offense and fails within the time allowed by the court to pay any fine or costs imposed by the court, unless the court previously has given written notice to the person, the court shall send the person a notice by ordinary mail at the person's last known address stating that there is a balance due, specifying the amount of the balance due, and directing the person to contact the court clerk's office within ten days of the date of the notice. The notice shall include the sentence: "WARNING: Failure to timely respond to this notice may result in the blocking of your motor vehicle registration or transfer of registration!" To avoid a block on the person's motor vehicle registration or transfer of registration, the person may enter into a written agreement with the court to pay the balance due in installments or to perform community service in lieu of payment. The agreement shall include the sentence: "WARNING: Failure to comply with the payment schedule or to complete your community service requirement may result in the blocking of your motor vehicle registration or transfer of registration!"~~

~~If a person does not enter into an agreement under this division or if a person fails to comply with an agreement entered into under this division,~~ the court may enter information relative to the person's failure to pay any outstanding amount of the fine or costs on a form prescribed or approved by the registrar of motor vehicles pursuant to division (C) of this section and send the form to the registrar. Upon receipt of the form, the registrar shall take any measures necessary to ensure that neither the registrar nor any deputy registrar accepts any application for the registration or transfer of registration of any motor vehicle owned or leased by the person. However, for a motor vehicle leased by the person, the registrar shall not implement this requirement until the registrar adopts procedures for that implementation under section 4503.39 of the Revised Code.

The period of denial relating to the issuance or transfer of  
a certificate of registration for a motor vehicle imposed under  
this section remains in effect until the person pays any fine or  
costs imposed by the court relative to the offense. When the fine  
or costs have been paid in full, the court shall inform the  
registrar of the payment by entering information relative to the  
payment on a notice of payment form prescribed or approved by the  
registrar pursuant to division (C) of this section and sending the  
form to the registrar.

(C) The registrar shall prescribe and make available to  
county courts forms to be used for a notice to the registrar of  
failure to pay fines or costs and a notice to the registrar of  
payment of fines or costs under division (B) of this section. The  
registrar may approve the use of other forms for these purposes.

The registrar may require that any of the forms prescribed or  
approved pursuant to this section be transmitted to the registrar  
electronically. If the registrar requires electronic transmission,  
the registrar shall not be required to give effect to any form  
that is not transmitted electronically.

**Sec. 2151.311.** (A) A person taking a child into custody  
shall, with all reasonable speed and in accordance with division  
(C) of this section, either:

(1) Release the child to the child's parents, guardian, or  
other custodian, unless the child's detention or shelter care  
appears to be warranted or required as provided in section 2151.31  
of the Revised Code;

(2) Bring the child to the court or deliver the child to a  
place of detention or shelter care designated by the court and  
promptly give notice thereof, together with a statement of the  
reason for taking the child into custody, to a parent, guardian,  
or other custodian and to the court.

(B) If a parent, guardian, or other custodian fails, when 1795  
requested by the court, to bring the child before the court as 1796  
provided by this section, the court may issue its warrant 1797  
directing that the child be taken into custody and brought before 1798  
the court. 1799

(C)(1) Before taking any action required by division (A) of 1800  
this section, a person taking a child into custody may hold the 1801  
child for processing purposes in a county, multicounty, or 1802  
municipal jail or workhouse, or other place where an adult 1803  
convicted of crime, under arrest, or charged with crime is held 1804  
for either of the following periods of time: 1805

(a) For a period not to exceed six hours, if all of the 1806  
following apply: 1807

(i) The child is alleged to be a delinquent child for the 1808  
commission of an act that would be a felony if committed by an 1809  
adult; 1810

(ii) The child remains beyond the range of touch of all adult 1811  
detainees; 1812

(iii) The child is visually supervised by jail or workhouse 1813  
personnel at all times during the detention; 1814

(iv) The child is not handcuffed or otherwise physically 1815  
secured to a stationary object during the detention. 1816

(b) For a period not to exceed three hours, if all of the 1817  
following apply: 1818

(i) The child is alleged to be a delinquent child for the 1819  
commission of an act that would be a misdemeanor if committed by 1820  
an adult, is alleged to be a delinquent child for being a chronic 1821  
truant or an habitual truant who previously has been adjudicated 1822  
an unruly child for being an habitual truant, or is alleged to be 1823  
an unruly child or a juvenile traffic offender; 1824

(ii) The child remains beyond the range of touch of all adult detainees;	1825 1826
(iii) The child is visually supervised by jail or workhouse personnel at all times during the detention;	1827 1828
(iv) The child is not handcuffed or otherwise physically secured to a stationary object during the detention.	1829 1830
(2) If a child has been transferred to an adult court for prosecution for the alleged commission of a criminal offense, subsequent to the transfer, the child may be held as described in division (F) of section 2152.26 or division (B) of section 5120.16 of the Revised Code.	1831 1832 1833 1834 1835
(D) <u>If a person who is alleged to be or has been adjudicated a delinquent child or who is in any other category of persons identified in this section is confined under authority of this section in a place specified in division (C) of this section, the fact of the person's admission to and confinement in that place is restricted as described in division (G) of section 2152.26 of the Revised Code.</u>	1836 1837 1838 1839 1840 1841 1842
(E) As used in division (C)(1) of this section, "processing purposes" means all of the following:	1843 1844
(1) Fingerprinting, photographing, or fingerprinting and photographing the child in a secure area of the facility;	1845 1846
(2) Interrogating the child, contacting the child's parent or guardian, arranging for placement of the child, or arranging for transfer or transferring the child, while holding the child in a nonsecure area of the facility.	1847 1848 1849 1850
<b>Sec. 2151.356.</b> (A) The records of a case in which a person was adjudicated a delinquent child for committing a violation of section 2903.01, 2903.02, or 2907.02 of the Revised Code shall not be sealed under this section.	1851 1852 1853 1854

(B)(1) The juvenile court shall promptly order the immediate sealing of records pertaining to a juvenile in any of the following circumstances:

(a) If the court receives a record from a public office or agency under division (B)(2) of this section;

(b) If a person was brought before or referred to the court for allegedly committing a delinquent or unruly act and the case was resolved without the filing of a complaint against the person with respect to that act pursuant to section 2151.27 of the Revised Code;

(c) If a person was charged with violating division (E)(1) of section 4301.69 of the Revised Code and the person has successfully completed a diversion program under division (E)(2)(a) of section 4301.69 of the Revised Code with respect to that charge;

(d) If a complaint was filed against a person alleging that the person was a delinquent child, an unruly child, or a juvenile traffic offender and the court dismisses the complaint after a trial on the merits of the case or finds the person not to be a delinquent child, an unruly child, or a juvenile traffic offender;

(e) Notwithstanding division (C) of this section and subject to section 2151.358 of the Revised Code, if a person has been adjudicated an unruly child, that person has attained eighteen years of age, and the person is not under the jurisdiction of the court in relation to a complaint alleging the person to be a delinquent child.

(2) The appropriate public office or agency shall immediately deliver all original records at that public office or agency pertaining to a juvenile to the court, if the person was arrested or taken into custody for allegedly committing a delinquent or unruly act, no complaint was filed against the person with respect

to the commission of the act pursuant to section 2151.27 of the Revised Code, and the person was not brought before or referred to the court for the commission of the act. The records delivered to the court as required under this division shall not include fingerprints, DNA specimens, and DNA records described under division (A)(3) of section 2151.357 of the Revised Code.

(C)(1) The juvenile court shall consider the sealing of records pertaining to a juvenile upon the court's own motion or upon the application of a person if the person has been adjudicated a delinquent child for committing an act other than a violation of section 2903.01, 2903.02, or 2907.02 of the Revised Code, an unruly child, or a juvenile traffic offender and if, at the time of the motion or application, the person is not under the jurisdiction of the court in relation to a complaint alleging the person to be a delinquent child. The court shall not require a fee for the filing of the application. The motion or application may be made on or after the time specified in whichever of the following is applicable:

(a) If the person is under eighteen years of age, at any time after six months after any of the following events occur:

~~(a)~~(i) The termination of any order made by the court in relation to the adjudication;

~~(b)~~(ii) The unconditional discharge of the person from the department of youth services with respect to a dispositional order made in relation to the adjudication or from an institution or facility to which the person was committed pursuant to a dispositional order made in relation to the adjudication;

~~(c)~~(iii) The court enters an order under section 2152.84 or 2152.85 of the Revised Code that contains a determination that the child is no longer a juvenile offender registrant.

(b) If the person is eighteen years of age or older, at any

<u>time after the later of the following:</u>	1917
<u>(i) The person's attainment of eighteen years of age;</u>	1918
<u>(ii) The occurrence of any event identified in divisions</u>	1919
<u>(C)(1)(a)(i) to (iii) of this section.</u>	1920
(2) In making the determination whether to seal records	1921
pursuant to division (C)(1) of this section, all of the following	1922
apply:	1923
(a) The court may require a person filing an application	1924
under division (C)(1) of this section to submit any relevant	1925
documentation to support the application.	1926
(b) The court may cause an investigation to be made to	1927
determine if the person who is the subject of the proceedings has	1928
been rehabilitated to a satisfactory degree.	1929
(c) The court shall promptly notify the prosecuting attorney	1930
of any proceedings to seal records initiated pursuant to division	1931
(C)(1) of this section.	1932
(d)(i) The prosecuting attorney may file a response with the	1933
court within thirty days of receiving notice of the sealing	1934
proceedings.	1935
(ii) If the prosecuting attorney does not file a response	1936
with the court or if the prosecuting attorney files a response but	1937
indicates that the prosecuting attorney does not object to the	1938
sealing of the records, the court may order the records of the	1939
person that are under consideration to be sealed without	1940
conducting a hearing on the motion or application. If the court	1941
decides in its discretion to conduct a hearing on the motion or	1942
application, the court shall conduct the hearing within thirty	1943
days after making that decision and shall give notice, by regular	1944
mail, of the date, time, and location of the hearing to the	1945
prosecuting attorney and to the person who is the subject of the	1946

records under consideration. 1947

(iii) If the prosecuting attorney files a response with the 1948  
court that indicates that the prosecuting attorney objects to the 1949  
sealing of the records, the court shall conduct a hearing on the 1950  
motion or application within thirty days after the court receives 1951  
the response. The court shall give notice, by regular mail, of the 1952  
date, time, and location of the hearing to the prosecuting 1953  
attorney and to the person who is the subject of the records under 1954  
consideration. 1955

(e) After conducting a hearing in accordance with division 1956  
(C)(2)(d) of this section or after due consideration when a 1957  
hearing is not conducted, except as provided in division (B)(1)(c) 1958  
of this section, the court may order the records of the person 1959  
that are the subject of the motion or application to be sealed if 1960  
it finds that the person has been rehabilitated to a satisfactory 1961  
degree. In determining whether the person has been rehabilitated 1962  
to a satisfactory degree, the court may consider all of the 1963  
following: 1964

(i) The age of the person; 1965

(ii) The nature of the case; 1966

(iii) The cessation or continuation of delinquent, unruly, or 1967  
criminal behavior; 1968

(iv) The education and employment history of the person; 1969

(v) The granting of a new tier classification or 1970  
declassification from the juvenile offender registry pursuant to 1971  
section 2152.85 of the Revised Code, except for public 1972  
registry-qualified juvenile offender registrants; 1973

(vi) Any other circumstances that may relate to the 1974  
rehabilitation of the person who is the subject of the records 1975  
under consideration. 1976

(D)(1)(a) The juvenile court shall provide verbal notice to a person whose records are sealed under division (B) of this section, if that person is present in the court at the time the court issues a sealing order, that explains what sealing a record means, states that the person may apply to have those records expunged under section 2151.358 of the Revised Code, and explains what expunging a record means.

(b) The juvenile court shall provide written notice to a person whose records are sealed under division (B) of this section by regular mail to the person's last known address, if that person is not present in the court at the time the court issues a sealing order and if the court does not seal the person's record upon the court's own motion, that explains what sealing a record means, states that the person may apply to have those records expunged under section 2151.358 of the Revised Code, and explains what expunging a record means.

(2) Upon final disposition of a case in which a person has been adjudicated a delinquent child for committing an act other than a violation of section 2903.01, 2903.02, or 2907.02 of the Revised Code, an unruly child, or a juvenile traffic offender, the juvenile court shall provide written notice to the person that does all of the following:

(a) States that the person may apply to the court for an order to seal the record;

(b) Explains what sealing a record means;

(c) States that the person may apply to the court for an order to expunge the record under section 2151.358 of the Revised Code;

(d) Explains what expunging a record means.

(3) The department of youth services and any other institution or facility that unconditionally discharges a person

who has been adjudicated a delinquent child, an unruly child, or a juvenile traffic offender shall immediately give notice of the discharge to the court that committed the person. The court shall note the date of discharge on a separate record of discharges of those natures.

**Sec. 2151.357.** (A) If the court orders the records of a person sealed pursuant to section 2151.356 of the Revised Code, the person who is subject of the order properly may, and the court shall, reply that no record exists with respect to the person upon any inquiry in the matter, and the court, except as provided in division (D) of this section, shall do all of the following:

(1) Order that the proceedings in a case described in divisions (B) and (C) of section 2151.356 of the Revised Code be deemed never to have occurred;

(2) Except as provided in division (C) of this section, delete all index references to the case and the person so that the references are permanently irretrievable;

(3) Order that all original records of the case maintained by any public office or agency, except fingerprints held by a law enforcement agency, DNA specimens collected pursuant to section 2152.74 of the Revised Code, and DNA records derived from DNA specimens pursuant to section 109.573 of the Revised Code, be delivered to the court;

(4) Order each public office or agency, upon the delivering of records to the court under division (A)(3) of this section, to expunge remaining records of the case that are the subject of the sealing order that are maintained by that public office or agency, except fingerprints, DNA specimens, and DNA records described under division (A)(3) of this section;

(5) Send notice of the order to seal to any public office or

agency that the court has reason to believe may have a record of 2038  
the sealed record including, but not limited to, the bureau of 2039  
criminal identification and investigation; 2040

(6) Seal all of the records delivered to the court under 2041  
division (A)(3) of this section, in a separate file in which only 2042  
sealed records are maintained. 2043

(B) Except as provided in division (D) of this section, an 2044  
order to seal under section 2151.356 of the Revised Code applies 2045  
to every public office or agency that has a record relating to the 2046  
case, regardless of whether it receives notice of the hearing on 2047  
the sealing of the record or a copy of the order. Except as 2048  
provided in division (D) of this section, upon the written request 2049  
of a person whose record has been sealed and the presentation of a 2050  
copy of the order and compliance with division (A)(3) of this 2051  
section, a public office or agency shall expunge its record 2052  
relating to the case, except a record of the adjudication or 2053  
arrest or taking into custody that is maintained for compiling 2054  
statistical data and that does not contain any reference to the 2055  
person who is the subject of the order. 2056

(C) The court that maintains sealed records pursuant to this 2057  
section may maintain a manual or computerized index of the sealed 2058  
records and shall make the index available only for the purposes 2059  
set forth in division (E) of this section. 2060

(1) Each entry regarding a sealed record in the index of 2061  
sealed records shall contain all of the following: 2062

(a) The name of the person who is the subject of the sealed 2063  
record; 2064

(b) An alphanumeric identifier relating to the person who is 2065  
the subject of the sealed record; 2066

(c) The word "sealed"; 2067

(d) The name of the court that has custody of the sealed record.	2068 2069
(2) Any entry regarding a sealed record in the index of sealed records shall not contain either of the following:	2070 2071
(a) The social security number of the person who is subject of the sealed record;	2072 2073
(b) The name or a description of the act committed.	2074
(D) Notwithstanding any provision of this section that requires otherwise, a board of education of a city, local, exempted village, or joint vocational school district that maintains records of an individual who has been permanently excluded under sections 3301.121 and 3313.662 of the Revised Code is permitted to maintain records regarding an adjudication that the individual is a delinquent child that was used as the basis for the individual's permanent exclusion, regardless of a court order to seal the record. An order issued under section 2151.356 of the Revised Code to seal the record of an adjudication that an individual is a delinquent child does not revoke the adjudication order of the superintendent of public instruction to permanently exclude the individual who is the subject of the sealing order. An order to seal the record of an adjudication that an individual is a delinquent child may be presented to a district superintendent as evidence to support the contention that the superintendent should recommend that the permanent exclusion of the individual who is the subject of the sealing order be revoked. Except as otherwise authorized by this division and sections 3301.121 and 3313.662 of the Revised Code, any school employee in possession of or having access to the sealed adjudication records of an individual that were the basis of a permanent exclusion of the individual is subject to division (F) of this section.	2075 2076 2077 2078 2079 2080 2081 2082 2083 2084 2085 2086 2087 2088 2089 2090 2091 2092 2093 2094 2095 2096 2097
(E) Inspection of records that have been ordered sealed under	2098

section 2151.356 of the Revised Code may be made only by the 2099  
following persons or for the following purposes: 2100

(1) By the court; 2101

(2) If the records in question pertain to an act that would 2102  
be an offense of violence that would be a felony if committed by 2103  
an adult, by any law enforcement officer or any prosecutor, or the 2104  
assistants of a law enforcement officer or prosecutor, for any 2105  
valid law enforcement or prosecutorial purpose; 2106

(3) Upon application by the person who is the subject of the 2107  
sealed records, by the person that is named in that application; 2108

(4) If the records in question pertain to an alleged 2109  
violation of division (E)(1) of section 4301.69 of the Revised 2110  
Code, by any law enforcement officer or any prosecutor, or the 2111  
assistants of a law enforcement officer or prosecutor, for the 2112  
purpose of determining whether the person is eligible for 2113  
diversion under division (E)(2) of section 4301.69 of the Revised 2114  
Code; 2115

(5) At the request of a party in a civil action that is based 2116  
on a case the records for which are the subject of a sealing order 2117  
issued under section 2151.356 of the Revised Code, as needed for 2118  
the civil action. The party also may copy the records as needed 2119  
for the civil action. The sealed records shall be used solely in 2120  
the civil action and are otherwise confidential and subject to the 2121  
provisions of this section; 2122

(6) By the attorney general or an authorized employee of the 2123  
attorney general or the court for purposes of determining whether 2124  
a child is a public registry-qualified juvenile offender 2125  
registrant, as defined in section 2950.01 of the Revised Code, for 2126  
purposes of Chapter 2950. of the Revised Code. 2127

(F) No officer or employee of the state or any of its 2128  
political subdivisions shall knowingly release, disseminate, or 2129

make available for any purpose involving employment, bonding, 2130  
licensing, or education to any person or to any department, 2131  
agency, or other instrumentality of the state or of any of its 2132  
political subdivisions any information or other data concerning 2133  
any arrest, taking into custody, complaint, indictment, 2134  
information, trial, hearing, adjudication, or correctional 2135  
supervision, the records of which have been sealed pursuant to 2136  
section 2151.356 of the Revised Code and the release, 2137  
dissemination, or making available of which is not expressly 2138  
permitted by this section. Whoever violates this division is 2139  
guilty of divulging confidential information, a misdemeanor of the 2140  
fourth degree. 2141

(G) In any application for employment, license, or other 2142  
right or privilege, any appearance as a witness, or any other 2143  
inquiry, a person may not be questioned with respect to any arrest 2144  
or taking into custody for which the records were sealed. If an 2145  
inquiry is made in violation of this division, the person may 2146  
respond as if the sealed arrest or taking into custody did not 2147  
occur, and the person shall not be subject to any adverse action 2148  
because of the arrest or taking into custody or the response. 2149

(H) The judgment rendered by the court under this chapter 2150  
shall not impose any of the civil disabilities ordinarily imposed 2151  
by conviction of a crime in that the child is not a criminal by 2152  
reason of the adjudication, and no child shall be charged with or 2153  
convicted of a crime in any court except as provided by this 2154  
chapter. The disposition of a child under the judgment rendered or 2155  
any evidence given in court shall not operate to disqualify a 2156  
child in any future civil service examination, appointment, or 2157  
application. Evidence of a judgment rendered and the disposition 2158  
of a child under the judgment is not admissible to impeach the 2159  
credibility of the child in any action or proceeding. Otherwise, 2160  
the disposition of a child under the judgment rendered or any 2161

evidence given in court is admissible as evidence for or against 2162  
the child in any action or proceeding in any court in accordance 2163  
with the Rules of Evidence and also may be considered by any court 2164  
as to the matter of sentence or to the granting of probation, and 2165  
a court may consider the judgment rendered and the disposition of 2166  
a child under that judgment for purposes of determining whether 2167  
the child, for a future criminal conviction or guilty plea, is a 2168  
repeat violent offender, as defined in section 2929.01 of the 2169  
Revised Code. 2170

**Sec. 2152.26.** (A) Except as provided in divisions (B) and (F) 2171  
of this section, a child alleged to be or adjudicated a delinquent 2172  
child or a juvenile traffic offender may be held only in the 2173  
following places: 2174

- (1) A certified foster home or a home approved by the court; 2175
- (2) A facility operated by a certified child welfare agency; 2176
- (3) Any other suitable place designated by the court. 2177

(B) In addition to the places listed in division (A) of this 2178  
section, a child alleged to be or adjudicated a delinquent child 2179  
or a person described in division (C)(7) of section 2152.02 of the 2180  
Revised Code may be held in a detention facility for delinquent 2181  
children that is under the direction or supervision of the court 2182  
or other public authority or of a private agency and approved by 2183  
the court, and a child adjudicated a delinquent child may be held 2184  
in accordance with division (F)(2) of this section in a facility 2185  
of a type specified in that division. ~~Division (B) of this section~~ 2186  
This division does not apply to a child alleged to be or 2187  
adjudicated a delinquent child for chronic truancy, unless the 2188  
child violated a lawful court order made pursuant to division 2189  
(A)(6) of section 2152.19 of the Revised Code. ~~Division (B) of~~ 2190  
~~this section~~ This division also does not apply to a child alleged 2191  
to be or adjudicated a delinquent child for being an habitual 2192

truant who previously has been adjudicated an unruly child for 2193  
being an habitual truant, unless the child violated a lawful court 2194  
order made pursuant to division (C)(1)(e) of section 2151.354 of 2195  
the Revised Code. 2196

(C)(1) Except as provided under division (C)(1) of section 2197  
2151.311 of the Revised Code or division (A)(5) of section 2152.21 2198  
of the Revised Code, a child alleged to be or adjudicated a 2199  
juvenile traffic offender may not be held in any of the following 2200  
facilities: 2201

(a) A state correctional institution, county, multicounty, or 2202  
municipal jail or workhouse, or other place in which an adult 2203  
convicted of crime, under arrest, or charged with a crime is held. 2204

(b) A secure correctional facility. 2205

(2) Except as provided under this section, sections 2151.56 2206  
to 2151.59, and divisions (A)(5) and (6) of section 2152.21 of the 2207  
Revised Code, a child alleged to be or adjudicated a juvenile 2208  
traffic offender may not be held for more than twenty-four hours 2209  
in a detention facility. 2210

(D) Except as provided in division (F) of this section or in 2211  
division (C) of section 2151.311, in division (C)(2) of section 2212  
5139.06 and section 5120.162, or in division (B) of section 2213  
5120.16 of the Revised Code, a child who is alleged to be or is 2214  
adjudicated a delinquent child or a person described in division 2215  
(C)(7) of section 2152.02 of the Revised Code may not be held in a 2216  
state correctional institution, county, multicounty, or municipal 2217  
jail or workhouse, or other place where an adult convicted of 2218  
crime, under arrest, or charged with crime is held. 2219

(E) Unless the detention is pursuant to division (F) of this 2220  
section or division (C) of section 2151.311, division (C)(2) of 2221  
section 5139.06 and section 5120.162, or division (B) of section 2222  
5120.16 of the Revised Code, the official in charge of the 2223

institution, jail, workhouse, or other facility shall inform the 2224  
court immediately when a person who is or appears to be under the 2225  
age of eighteen years, or a person who is charged with a violation 2226  
of an order of a juvenile court or a violation of probation or 2227  
parole conditions imposed by a juvenile court and who is or 2228  
appears to be between the ages of eighteen and twenty-one years, 2229  
is received at the facility and shall deliver the person to the 2230  
court upon request or transfer the person to a detention facility 2231  
designated by the court. 2232

(F)(1) If a case is transferred to another court for criminal 2233  
prosecution pursuant to section 2152.12 of the Revised Code and 2234  
the alleged offender is a person described in division (C)(7) of 2235  
section 2152.02 of the Revised Code, the person may not be 2236  
transferred for detention pending the criminal prosecution in a 2237  
jail or other facility except under the circumstances described in 2238  
division (F)(4) of this section. Any child held in accordance with 2239  
division (F)(3) of this section shall be confined in a manner that 2240  
keeps the child beyond the sight and sound of all adult detainees. 2241  
The child shall be supervised at all times during the detention. 2242

(2) If a person is adjudicated a delinquent child or juvenile 2243  
traffic offender or is a person described in division (C)(7) of 2244  
section 2152.02 of the Revised Code and the court makes a 2245  
disposition of the person under this chapter, at any time after 2246  
the person attains twenty-one years of age, the person may be held 2247  
under that disposition or under the circumstances described in 2248  
division (F)(4) of this section in places other than those 2249  
specified in division (A) of this section, including, but not 2250  
limited to, a county, multicounty, or municipal jail or workhouse, 2251  
or other place where an adult convicted of crime, under arrest, or 2252  
charged with crime is held. 2253

(3)(a) A person alleged to be a delinquent child may be held 2254  
in places other than those specified in division (A) of this 2255

section, including, but not limited to, a county, multicounty, or 2256  
municipal jail, if the delinquent act that the child allegedly 2257  
committed would be a felony if committed by an adult, and if 2258  
either of the following applies: 2259

(i) The person attains twenty-one years of age before the 2260  
person is arrested or apprehended for that act. 2261

(ii) The person is arrested or apprehended for that act 2262  
before the person attains twenty-one years of age, but the person 2263  
attains twenty-one years of age before the court orders a 2264  
disposition in the case. 2265

(b) If, pursuant to division (F)(3)(a) of this section, a 2266  
person is held in a place other than a place specified in division 2267  
(A) of this section, the person has the same rights to bail as an 2268  
adult charged with the same offense who is confined in a jail 2269  
pending trial. 2270

(4)(a) Any person whose case is transferred for criminal 2271  
prosecution pursuant to section ~~2151.10~~ 2152.10 or 2152.12 of the 2272  
Revised Code or any person who has attained the age of eighteen 2273  
years but has not attained the age of twenty-one years and who is 2274  
being held in a place specified in division (B) of this section 2275  
may be held under that disposition or charge in places other than 2276  
those specified in division (B) of this section, including a 2277  
county, multicounty, or municipal jail or workhouse, or other 2278  
place where an adult under arrest or charged with crime is held if 2279  
the juvenile court, upon its own motion or upon motion by the 2280  
prosecutor and after notice and hearing, establishes by a 2281  
preponderance of the evidence and makes written findings of either 2282  
of the following: 2283

(i) With respect to a person whose case is transferred for 2284  
criminal prosecution pursuant to either specified section or who 2285  
has attained the age of eighteen years but who has not attained 2286

the age of twenty-one years and is being so held, that the youth 2287  
is a threat to the safety and security of the facility. Evidence 2288  
that the; 2289

(ii) With respect to a person who has attained the age of 2290  
eighteen years but who has not attained the age of twenty-one 2291  
years and is being so held, that the best interests of the youth 2292  
require that the youth be held in a place other than a place 2293  
specified in division (B) of this section, including a county, 2294  
multicounty, or municipal jail or workhouse, or other place where 2295  
an adult under arrest or charged with crime is held. 2296

(b) In determining for purposes of division (F)(4)(a)(i) of 2297  
this section whether a youth is a threat to the safety and 2298  
security of the facility, evidence that the youth is a threat to 2299  
the safety and security of the facility may include, but is not 2300  
limited to, whether the youth has done any of the following: 2301

(i) Injured or created an imminent danger to the life or 2302  
health of another youth or staff member in the facility or program 2303  
by violent behavior; 2304

(ii) Escaped from the facility or program in which the youth 2305  
is being held on more than one occasion; 2306

(iii) Established a pattern of disruptive behavior as 2307  
verified by a written record that the youth's behavior is not 2308  
conducive to the established policies and procedures of the 2309  
facility or program in which the youth is being held. 2310

~~(b)~~(c) If ~~the~~ a prosecutor submits a motion requesting that 2311  
~~the~~ a person be held in a place other than those specified in 2312  
division (B) of this section or if the court submits its own 2313  
motion, the juvenile court shall hold a hearing within five days 2314  
of the filing of the motion, and, in determining whether a place 2315  
other than those specified in division (B) of this section is the 2316  
appropriate place of confinement for the person, the court shall 2317

consider the following factors:	2318
(i) The age of the person;	2319
(ii) Whether the person would be deprived of contact with other people for a significant portion of the day or would not have access to recreational facilities or age-appropriate educational opportunities in order to provide physical separation from adults;	2320 2321 2322 2323 2324
(iii) The person's current emotional state, intelligence, and developmental maturity, including any emotional and psychological trauma, and the risk to the person in an adult facility, which may be evidenced by mental health or psychological assessments or screenings made available to the prosecuting attorney and the defense counsel;	2325 2326 2327 2328 2329 2330
(iv) Whether detention in a juvenile facility would adequately serve the need for community protection pending the outcome of the criminal proceeding;	2331 2332 2333
(v) The relative ability of the available adult and juvenile detention facilities to meet the needs of the person, including the person's need for age-appropriate mental health and educational services delivered by individuals specifically trained to deal with youth;	2334 2335 2336 2337 2338
(vi) Whether the person presents an imminent risk of self-inflicted harm or an imminent risk of harm to others within a juvenile facility;	2339 2340 2341
(vii) Any other factors the juvenile court considers to be relevant.	2342 2343
<del>(e)</del> (d) If the juvenile court determines that a place other than those specified in division (B) of this section is the appropriate place for confinement of a person pursuant to division (F)(4)(a) of this section, the person may petition the juvenile	2344 2345 2346 2347

court for a review hearing thirty days after the initial 2348  
confinement decision, thirty days after any subsequent review 2349  
hearing, or at any time after the initial confinement decision 2350  
upon an emergency petition by the youth due to the youth facing an 2351  
imminent danger from others or the youth's self. Upon receipt of 2352  
the petition, the juvenile court has discretion over whether to 2353  
conduct the review hearing and may set the matter for a review 2354  
hearing if the youth has alleged facts or circumstances that, if 2355  
true, would warrant reconsideration of the youth's placement in a 2356  
place other than those specified in division (B) of this section 2357  
based on the factors listed in division (F)(4)~~(b)~~(c) of this 2358  
section. 2359

~~(d)~~(e) Upon the admission of a person described in division 2360  
(F)(4)(a) of this section to a place other than those specified in 2361  
division (B) of this section, the facility shall advise the person 2362  
of the person's right to request a review hearing as described in 2363  
division (F)(4)(d) of this section. 2364

~~(e)~~(f) Any person transferred under division (F)(4)(a) of 2365  
this section to a place other than those specified in division (B) 2366  
of this section shall be confined in a manner that keeps the 2367  
person beyond sight and sound of all adult detainees. The person 2368  
shall be supervised at all times during the detention. 2369

(G)(1) If a person who is alleged to be or has been 2370  
adjudicated a delinquent child or who is in any other category of 2371  
persons identified in this section or section 2151.311 of the 2372  
Revised Code is confined under authority of any Revised Code 2373  
section in a place other than a place specified in division (B) of 2374  
this section, including a county, multicounty, or municipal jail 2375  
or workhouse, or other place where an adult under arrest or 2376  
charged with crime is held, subject to division (G)(2) of this 2377  
section, all identifying information, other than the person's 2378  
county of residence, age, gender, and race and the charges against 2379

the person, that relates to the person's admission to and 2380  
confinement in that place is not a public record open for 2381  
inspection or copying under section 149.43 of the Revised Code and 2382  
is confidential and shall not be released to any person other than 2383  
to a court, to a law enforcement agency for law enforcement 2384  
purposes, or to a person specified by court order. 2385

(2) Division (G)(1) of this section does not apply with 2386  
respect to a person whose case is transferred for criminal 2387  
prosecution pursuant to section 2152.10 or 2152.12 of the Revised 2388  
Code, who is convicted of or pleads guilty to an offense in that 2389  
case, who is confined after that conviction or guilty plea in a 2390  
place other than a place specified in division (B) of this 2391  
section, and to whom one of the following applies: 2392

(a) The case was transferred other than pursuant to division 2393  
(A)(1)(a)(i) or (A)(1)(b)(ii) of section 2152.12 of the Revised 2394  
Code. 2395

(b) The case was transferred pursuant to division 2396  
(A)(1)(a)(i) or (A)(1)(b)(ii) of section 2152.12 of the Revised 2397  
Code, and the person is sentenced for the offense pursuant to 2398  
division (B)(4) of section 2152.121 of the Revised Code. 2399

(c) The case was transferred pursuant to division 2400  
(A)(1)(a)(i) or (A)(1)(b)(ii) of section 2152.12 of the Revised 2401  
Code, the person is sentenced for the offense pursuant to division 2402  
(B)(3) of section 2152.121 of the Revised Code by the court in 2403  
which the person was convicted of or pleaded guilty to the 2404  
offense, and the sentence imposed by that court is invoked 2405  
pursuant to division (B)(3)(b) of section 2152.121 of the Revised 2406  
Code. 2407

**Sec. 2907.27.** (A)(1) If a person is charged with a violation 2408  
of section 2907.02, 2907.03, 2907.04, 2907.24, 2907.241, or 2409  
2907.25 of the Revised Code or with a violation of a municipal 2410

ordinance that is substantially equivalent to any of those 2411  
sections, the arresting authorities or a court, upon the request 2412  
of the prosecutor in the case or upon the request of the victim, 2413  
shall cause the accused to submit to one or more appropriate tests 2414  
to determine if the accused is suffering from a venereal disease. 2415  
~~The court, upon the request of the prosecutor in the case or upon~~ 2416  
~~the request of the victim shall cause the accused to submit to one~~ 2417  
~~or more appropriate tests to determine if the accused is suffering~~ 2418  
~~from the human immunodeficiency virus (HIV) within forty eight~~ 2419  
~~hours after the date on which the complaint, information, or~~ 2420  
~~indictment is filed or within forty eight hours after the date on~~ 2421  
~~which the complaint, information, or indictment is served on the~~ 2422  
~~accused, whichever date is later. Nothing in this section shall be~~ 2423  
~~construed to prevent the court from ordering at any time during~~ 2424  
~~which the complaint, information, or indictment is pending, that~~ 2425  
~~the accused submit to one or more appropriate tests to determine~~ 2426  
~~if the accused is suffering from a venereal disease or from the~~ 2427  
~~human immunodeficiency virus (HIV).~~ 2428

(2) If the accused is found to be suffering from a venereal 2429  
disease in an infectious stage, the accused shall be required to 2430  
submit to medical treatment for that disease. The cost of the 2431  
medical treatment shall be charged to and paid by the accused who 2432  
undergoes the treatment. If the accused is indigent, the court 2433  
shall order the accused to report to a facility operated by a city 2434  
health district or a general health district for treatment. If the 2435  
accused is convicted of or pleads guilty to the offense with which 2436  
the accused is charged and is placed under a community control 2437  
sanction, a condition of community control shall be that the 2438  
offender submit to and faithfully follow a course of medical 2439  
treatment for the venereal disease. If the offender does not seek 2440  
the required medical treatment, the court may revoke the 2441  
offender's community control and order the offender to undergo 2442  
medical treatment during the period of the offender's 2443

incarceration and to pay the cost of that treatment. 2444

(B)(1)(a) If a person is charged with a violation of division 2445  
(B) of section 2903.11 or of section 2907.02, 2907.03, 2907.04, 2446  
2907.05, 2907.12, 2907.24, 2907.241, or 2907.25 of the Revised 2447  
Code ~~or~~, with a violation of a municipal ordinance that is 2448  
substantially equivalent to that division or any of those 2449  
sections, or with a violation of a statute or municipal ordinance 2450  
in which by force or threat of force the accused compelled the 2451  
victim to engage in sexual activity, the court, upon the request 2452  
of the prosecutor in the case, upon the request of the victim, or 2453  
upon the request of any other person whom the court reasonably 2454  
believes had contact with the accused in circumstances related to 2455  
the violation that could have resulted in the transmission to that 2456  
person of the human immunodeficiency virus, shall cause the 2457  
accused to submit to one or more tests designated by the director 2458  
of health under section 3701.241 of the Revised Code to determine 2459  
if the accused is infected with HIV. The court shall cause the 2460  
accused to submit to the test or tests within forty-eight hours 2461  
after the indictment, information, or complaint is presented. The 2462  
court shall order follow-up tests for HIV as may be medically 2463  
appropriate. 2464

(b) The court, upon the request of the prosecutor in the 2465  
case, upon the request of the victim with the agreement of the 2466  
prosecutor, or upon the request of any other person with the 2467  
agreement of the prosecutor, may cause an accused who is charged 2468  
with a violation of any ~~other~~ division or section of the Revised 2469  
Code or ~~with a violation of any other~~ municipal ordinance not 2470  
described in division (B)(1)(a) of this section to submit to one 2471  
or more tests so designated by the director of health if the 2472  
circumstances of the violation indicate probable cause to believe 2473  
that the accused, if the accused is infected with HIV, might have 2474  
transmitted HIV to any of the following persons in committing the 2475

violation:	2476
(i) In relation to a request made by the prosecuting attorney, to the victim or to any other person;	2477 2478
(ii) In relation to a request made by the victim, to the victim making the request;	2479 2480
(iii) In relation to a request made by any other person, to the person making the request.	2481 2482
<del>(b)</del> (c) <u>The results of a test conducted under division (B)(1)(a) of this section shall be provided as soon as practicable to the victim, or the parent or guardian of the victim, and the accused. The results of any follow-up test conducted under that division also shall be provided as soon as practicable to the victim, or the parent or guardian of the victim, and the accused.</u>	2483 2484 2485 2486 2487 2488
The results of a test performed under division (B)(1) <del>(a)</del> (b) of this section shall be communicated in confidence to the court, <del>and</del> the court shall inform the accused of the result. <del>The, and the</del> court shall inform the victim that the test was performed and that the victim has a right to receive the results on request. <del>If</del> <u>Additionally, for a test under either division (B)(1)(a) or (b) of this section, all of the following apply:</u>	2489 2490 2491 2492 2493 2494 2495
(i) <u>If</u> the test was performed upon the request of a person other than the prosecutor in the case and other than the victim, the court shall inform the person who made the request that the test was performed and that the person has a right to receive the results upon request. <del>Additionally, regardless</del>	2496 2497 2498 2499 2500
(ii) <u>Regardless</u> of who made the request that was the basis of the test being performed, if the court reasonably believes that, in circumstances related to the violation, a person other than the victim had contact with the accused that could have resulted in the transmission of HIV to that person, the court may inform that person that the test was performed and that the person has a right	2501 2502 2503 2504 2505 2506

to receive the results of the test on request. ~~If~~ 2507

(iii) If the accused tests positive for HIV, the test results 2508  
shall be reported to the department of health in accordance with 2509  
section 3701.24 of the Revised Code and to the sheriff, head of 2510  
the state correctional institution, or other person in charge of 2511  
any jail or prison in which the accused is incarcerated. ~~If~~ 2512

(iv) If the accused tests positive for HIV and the accused 2513  
was charged with, and was convicted of or pleaded guilty to, a 2514  
violation of section 2907.24, 2907.241, or 2907.25 of the Revised 2515  
Code or a violation of a municipal ordinance that is substantially 2516  
equivalent to any of those sections, the test results also shall 2517  
be reported to the law enforcement agency that arrested the 2518  
accused, and the law enforcement agency may use the test results 2519  
as the basis for any future charge of a violation of division (B) 2520  
of any of those sections or a violation of a municipal ordinance 2521  
that is substantially equivalent to division (B) of any of those 2522  
sections. ~~No other~~ 2523

(v) Except as otherwise provided in the first paragraph in 2524  
division (B)(1)(c) of this section or in division (B)(1)(c)(i), 2525  
(ii), (iii), or (iv) of this section, no disclosure of the test 2526  
results or the fact that a test was performed shall be made, other 2527  
than as evidence in a grand jury proceeding or as evidence in a 2528  
judicial proceeding in accordance with the Rules of Evidence. ~~If~~ 2529

(vi) If the test result is negative, and the charge has not 2530  
been dismissed or if the accused has been convicted of the charge 2531  
or a different offense arising out of the same circumstances as 2532  
the offense charged, the court shall order that the test be 2533  
repeated not earlier than three months nor later than six months 2534  
after the original test. 2535

(2) If an accused who is free on bond refuses to submit to a 2536  
test ordered by the court pursuant to division (B)(1) of this 2537

section, the court may order that the accused's bond be revoked 2538  
and that the accused be incarcerated until the test is performed. 2539  
If an accused who is incarcerated refuses to submit to a test 2540  
ordered by the court pursuant to division (B)(1) of this section, 2541  
the court shall order the person in charge of the jail or prison 2542  
in which the accused is incarcerated to take any action necessary 2543  
to facilitate the performance of the test, including the forcible 2544  
restraint of the accused for the purpose of drawing blood to be 2545  
used in the test. 2546

(3) A state agency, a political subdivision of the state, or 2547  
an employee of a state agency or of a political subdivision of the 2548  
state is immune from liability in a civil action to recover 2549  
damages for injury, death, or loss to person or property allegedly 2550  
caused by any act or omission in connection with the performance 2551  
of the duties required under division (B)(2) of this section 2552  
unless the acts or omissions are with malicious purpose, in bad 2553  
faith, or in a wanton or reckless manner. 2554

(C) Nothing in this section shall be construed to prevent a 2555  
court in which a person is charged with any offense specified in 2556  
division (A)(1) or (B)(1)(a) of this section from ordering at any 2557  
time during which the complaint, information, or indictment is 2558  
pending, that the accused submit to one or more appropriate tests 2559  
to determine if the accused is suffering from a venereal disease 2560  
or from HIV. 2561

(D) As used in this section: 2562

(1) "Community control sanction" has the same meaning as in 2563  
section 2929.01 of the Revised Code. 2564

(2) "HIV" means the human immunodeficiency virus. 2565

**Sec. 2907.28.** (A) Any cost incurred by a hospital or 2566  
emergency medical facility in conducting a medical examination of 2567

a victim of an offense under any provision of sections 2907.02 to 2568  
2907.06 of the Revised Code for the purpose of gathering physical 2569  
evidence for a possible prosecution, including the cost of any 2570  
antibiotics administered as part of the examination, shall be paid 2571  
out of the reparations fund established pursuant to section 2572  
2743.191 of the Revised Code, subject to the following conditions: 2573

(1) The hospital or emergency facility shall follow a 2574  
protocol for conducting such medical examinations that is 2575  
identified by the attorney general in rule adopted in accordance 2576  
with Chapter 119. of the Revised Code. 2577

(2) The hospital or emergency facility shall submit requests 2578  
for payment to the attorney general on a monthly basis, through a 2579  
procedure determined by the attorney general and on forms approved 2580  
by the attorney general. The requests shall identify the number of 2581  
sexual assault examinations performed and shall verify that all 2582  
required protocols were met for each examination form submitted 2583  
for payment in the request. 2584

(3) The attorney general shall review all requests for 2585  
payment that are submitted under division (A)(2) of this section 2586  
and shall submit for payment as described in division (A)(5) of 2587  
this section all requests that meet the requirements of this 2588  
section. 2589

(4) The hospital or emergency facility shall accept a flat 2590  
fee payment for conducting each examination in the amount 2591  
determined by the attorney general pursuant to Chapter 119. of the 2592  
Revised Code as payment in full for any cost incurred in 2593  
conducting a medical examination and test of a victim of an 2594  
offense under any provision of sections 2907.02 to 2907.06 of the 2595  
Revised Code for the purpose of gathering physical evidence for a 2596  
possible prosecution of a person. The attorney general shall 2597  
determine a flat fee payment amount to be paid under this division 2598  
that is reasonable. 2599

(5) In approving a payment under this section, the attorney 2600  
general shall order the payment against the state. The payment 2601  
shall be accomplished only through the following procedure, and 2602  
the procedure may be enforced through a mandamus action and a writ 2603  
of mandamus directed to the appropriate official: 2604

(a) The attorney general shall provide for payment in the 2605  
amount set forth in the order. 2606

(b) The expense of the payment of the amount described in 2607  
this section shall be charged against all available unencumbered 2608  
moneys in the reparations fund. 2609

(B) No costs incurred by a hospital or emergency facility in 2610  
conducting a medical examination and test of any victim of an 2611  
offense under any provision of sections 2907.02 to 2907.06 of the 2612  
Revised Code for the purpose of gathering physical evidence for a 2613  
possible prosecution of a person shall be billed or charged 2614  
directly or indirectly to the victim or the victim's insurer. 2615

(C) Any cost incurred by a hospital or emergency medical 2616  
facility in conducting a medical examination and test of any 2617  
person who is charged with a violation of division (B) of section 2618  
2903.11 or of section 2907.02, 2907.03, 2907.04, 2907.05, 2907.12, 2619  
2907.24, 2907.241, or 2907.25 of the Revised Code ~~or,~~ with a 2620  
violation of a municipal ordinance that is substantially 2621  
equivalent to that division or any of those sections, or with a 2622  
violation of a statute or municipal ordinance under which by force 2623  
or threat of force the accused compelled the victim to engage in 2624  
sexual activity, pursuant to division (B) of section 2907.27 of 2625  
the Revised Code, shall be charged to and paid by the accused who 2626  
undergoes the examination and test, unless the court determines 2627  
that the accused is unable to pay, in which case the cost shall be 2628  
charged to and paid by the municipal corporation in which the 2629  
offense allegedly was committed, or charged to and paid by the 2630  
county if the offense allegedly was committed within an 2631

unincorporated area. If separate counts of an alleged offense or 2632  
alleged separate offenses under division (B) of section 2903.11 or 2633  
section 2907.02, 2907.03, 2907.04, 2907.05, 2907.12, 2907.24, 2634  
2907.241, or 2907.25 of the Revised Code ~~or,~~ under a municipal 2635  
ordinance that is substantially equivalent to that division or any 2636  
of those sections, or under a statute or municipal ordinance in 2637  
violation of which by force or threat of force the accused 2638  
compelled the victim to engage in sexual activity took place in 2639  
more than one municipal corporation or more than one 2640  
unincorporated area, or both, the local governments shall share 2641  
the cost of the examination and test. If a hospital or other 2642  
emergency medical facility has submitted charges for the cost of a 2643  
medical examination and test to an accused and has been unable to 2644  
collect payment for the charges after making good faith attempts 2645  
to collect for a period of six months or more, the cost shall be 2646  
charged to and paid by the appropriate municipal corporation or 2647  
county as specified in division (C) of this section. 2648

**Sec. 2929.12.** (A) Unless otherwise required by section 2649  
2929.13 or 2929.14 of the Revised Code, a court that imposes a 2650  
sentence under this chapter upon an offender for a felony has 2651  
discretion to determine the most effective way to comply with the 2652  
purposes and principles of sentencing set forth in section 2929.11 2653  
of the Revised Code. In exercising that discretion, the court 2654  
shall consider the factors set forth in divisions (B) and (C) of 2655  
this section relating to the seriousness of the conduct, the 2656  
factors provided in divisions (D) and (E) of this section relating 2657  
to the likelihood of the offender's recidivism, and the factors 2658  
set forth in division (F) of this section pertaining to the 2659  
offender's service in the armed forces of the United States and, 2660  
in addition, may consider any other factors that are relevant to 2661  
achieving those purposes and principles of sentencing. 2662

(B) The sentencing court shall consider all of the following 2663

that apply regarding the offender, the offense, or the victim, and 2664  
any other relevant factors, as indicating that the offender's 2665  
conduct is more serious than conduct normally constituting the 2666  
offense: 2667

(1) The physical or mental injury suffered by the victim of 2668  
the offense due to the conduct of the offender was exacerbated 2669  
because of the physical or mental condition or age of the victim. 2670

(2) The victim of the offense suffered serious physical, 2671  
psychological, or economic harm as a result of the offense. 2672

(3) The offender held a public office or position of trust in 2673  
the community, and the offense related to that office or position. 2674

(4) The offender's occupation, elected office, or profession 2675  
obliged the offender to prevent the offense or bring others 2676  
committing it to justice. 2677

(5) The offender's professional reputation or occupation, 2678  
elected office, or profession was used to facilitate the offense 2679  
or is likely to influence the future conduct of others. 2680

(6) The offender's relationship with the victim facilitated 2681  
the offense. 2682

(7) The offender committed the offense for hire or as a part 2683  
of an organized criminal activity. 2684

(8) In committing the offense, the offender was motivated by 2685  
prejudice based on race, ethnic background, gender, sexual 2686  
orientation, or religion. 2687

(9) If the offense is a violation of section 2919.25 or a 2688  
violation of section 2903.11, 2903.12, or 2903.13 of the Revised 2689  
Code involving a person who was a family or household member at 2690  
the time of the violation, the offender committed the offense in 2691  
the vicinity of one or more children who are not victims of the 2692  
offense, and the offender or the victim of the offense is a 2693

parent, guardian, custodian, or person in loco parentis of one or 2694  
more of those children. 2695

(C) The sentencing court shall consider all of the following 2696  
that apply regarding the offender, the offense, or the victim, and 2697  
any other relevant factors, as indicating that the offender's 2698  
conduct is less serious than conduct normally constituting the 2699  
offense: 2700

(1) The victim induced or facilitated the offense. 2701

(2) In committing the offense, the offender acted under 2702  
strong provocation. 2703

(3) In committing the offense, the offender did not cause or 2704  
expect to cause physical harm to any person or property. 2705

(4) There are substantial grounds to mitigate the offender's 2706  
conduct, although the grounds are not enough to constitute a 2707  
defense. 2708

(D) The sentencing court shall consider all of the following 2709  
that apply regarding the offender, and any other relevant factors, 2710  
as factors indicating that the offender is likely to commit future 2711  
crimes: 2712

(1) At the time of committing the offense, the offender was 2713  
under release from confinement before trial or sentencing; was 2714  
under a sanction imposed pursuant to section 2929.16, 2929.17, or 2715  
2929.18 of the Revised Code, ~~or; was~~ under post-release control 2716  
pursuant to section 2967.28 or any other provision of the Revised 2717  
Code for an earlier offense or had been unfavorably terminated 2718  
from post-release control for a prior offense pursuant to division 2719  
(B) of section 2967.16 or section 2929.141 of the Revised Code; 2720  
was under transitional control in connection with a prior offense; 2721  
or had absconded from the offender's approved community placement 2722  
resulting in the offender's removal from the transitional control 2723  
program under section 2967.26 of the Revised Code. 2724

(2) The offender previously was adjudicated a delinquent child pursuant to Chapter 2151. of the Revised Code prior to January 1, 2002, or pursuant to Chapter 2152. of the Revised Code, or the offender has a history of criminal convictions.

(3) The offender has not been rehabilitated to a satisfactory degree after previously being adjudicated a delinquent child pursuant to Chapter 2151. of the Revised Code prior to January 1, 2002, or pursuant to Chapter 2152. of the Revised Code, or the offender has not responded favorably to sanctions previously imposed for criminal convictions.

(4) The offender has demonstrated a pattern of drug or alcohol abuse that is related to the offense, and the offender refuses to acknowledge that the offender has demonstrated that pattern, or the offender refuses treatment for the drug or alcohol abuse.

(5) The offender shows no genuine remorse for the offense.

(E) The sentencing court shall consider all of the following that apply regarding the offender, and any other relevant factors, as factors indicating that the offender is not likely to commit future crimes:

(1) Prior to committing the offense, the offender had not been adjudicated a delinquent child.

(2) Prior to committing the offense, the offender had not been convicted of or pleaded guilty to a criminal offense.

(3) Prior to committing the offense, the offender had led a law-abiding life for a significant number of years.

(4) The offense was committed under circumstances not likely to recur.

(5) The offender shows genuine remorse for the offense.

(F) The sentencing court shall consider the offender's

military service record and whether the offender has an emotional, 2755  
mental, or physical condition that is traceable to the offender's 2756  
service in the armed forces of the United States and that was a 2757  
contributing factor in the offender's commission of the offense or 2758  
offenses. 2759

**Sec. 2929.141.** (A) Upon the conviction of or plea of guilty 2760  
to a felony by a person on post-release control at the time of the 2761  
commission of the felony, the court may terminate the term of 2762  
post-release control, and the court may do either of the following 2763  
regardless of whether the sentencing court or another court of 2764  
this state imposed the original prison term for which the person 2765  
is on post-release control: 2766

(1) In addition to any prison term for the new felony, impose 2767  
a prison term for the post-release control violation. The maximum 2768  
prison term for the violation shall be the greater of twelve 2769  
months or the period of post-release control for the earlier 2770  
felony minus any time the person has spent under post-release 2771  
control for the earlier felony. In all cases, any prison term 2772  
imposed for the violation shall be reduced by any prison term that 2773  
is administratively imposed by the parole board as a post-release 2774  
control sanction. A prison term imposed for the violation shall be 2775  
served consecutively to any prison term imposed for the new 2776  
felony. The imposition of a prison term for the post-release 2777  
control violation shall terminate the period of post-release 2778  
control for the earlier felony. 2779

(2) Impose a sanction under sections 2929.15 to 2929.18 of 2780  
the Revised Code for the violation that shall be served 2781  
concurrently or consecutively, as specified by the court, with any 2782  
community control sanctions for the new felony. 2783

(B) Upon the conviction of or plea of guilty to a felony by a 2784  
person on transitional control under section 2967.26 of the 2785

Revised Code at the time of the commission of the felony, the 2786  
court may, in addition to any prison term for the new felony, 2787  
impose a prison term not exceeding twelve months for having 2788  
committed the felony while on transitional control. An additional 2789  
prison term imposed pursuant to this section shall be served 2790  
consecutively to any prison term imposed for the new felony. The 2791  
sentencing court may impose the additional prison term authorized 2792  
by this section regardless of whether the sentencing court or 2793  
another court of this state imposed the original prison term for 2794  
which the person is on transitional control. 2795

**Sec. 2929.20.** (A) As used in this section: 2796

(1)(a) Except as provided in division (A)(1)(b) of this 2797  
section, "eligible offender" means any person who, on or after 2798  
April 7, 2009, is serving a stated prison term that includes one 2799  
or more nonmandatory prison terms. 2800

(b) "Eligible offender" does not include any person who, on 2801  
or after April 7, 2009, is serving a stated prison term for any of 2802  
the following criminal offenses that was a felony and was 2803  
committed while the person held a public office in this state: 2804

(i) A violation of section 2921.02, 2921.03, 2921.05, 2805  
2921.31, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised 2806  
Code; 2807

(ii) A violation of section 2913.42, 2921.04, 2921.11, or 2808  
2921.12 of the Revised Code, when the conduct constituting the 2809  
violation was related to the duties of the offender's public 2810  
office or to the offender's actions as a public official holding 2811  
that public office; 2812

(iii) A violation of an existing or former municipal 2813  
ordinance or law of this or any other state or the United States 2814  
that is substantially equivalent to any violation listed in 2815

division (A)(1)(b)(i) of this section;	2816
(iv) A violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially equivalent to any violation listed in division (A)(1)(b)(ii) of this section, when the conduct constituting the violation was related to the duties of the offender's public office or to the offender's actions as a public official holding that public office;	2817 2818 2819 2820 2821 2822 2823
(v) A conspiracy to commit, attempt to commit, or complicity in committing any offense listed in division (A)(1)(b)(i) or described in division (A)(1)(b)(iii) of this section;	2824 2825 2826
(vi) A conspiracy to commit, attempt to commit, or complicity in committing any offense listed in division (A)(1)(b)(ii) or described in division (A)(1)(b)(iv) of this section, if the conduct constituting the offense that was the subject of the conspiracy, that would have constituted the offense attempted, or constituting the offense in which the offender was complicit was or would have been related to the duties of the offender's public office or to the offender's actions as a public official holding that public office.	2827 2828 2829 2830 2831 2832 2833 2834 2835
(2) "Nonmandatory prison term" means a prison term that is not a mandatory prison term.	2836 2837
(3) "Public office" means any elected federal, state, or local government office in this state.	2838 2839
(4) "Victim's representative" has the same meaning as in section 2930.01 of the Revised Code.	2840 2841
(B) On the motion of an eligible offender or upon its own motion, the sentencing court may reduce the eligible offender's aggregated nonmandatory prison term or terms through a judicial release under this section.	2842 2843 2844 2845

(C) An eligible offender may file a motion for judicial 2846  
release with the sentencing court within the following applicable 2847  
periods: 2848

(1) If the aggregated nonmandatory prison term or terms is 2849  
less than two years, the eligible offender may file the motion not 2850  
earlier than thirty days after the offender is delivered to a 2851  
state correctional institution or, if the prison term includes a 2852  
mandatory prison term or terms, not earlier than thirty days after 2853  
the expiration of all mandatory prison terms. 2854

(2) If the aggregated nonmandatory prison term or terms is at 2855  
least two years but less than five years, the eligible offender 2856  
may file the motion not earlier than one hundred eighty days after 2857  
the offender is delivered to a state correctional institution or, 2858  
if the prison term includes a mandatory prison term or terms, not 2859  
earlier than one hundred eighty days after the expiration of all 2860  
mandatory prison terms. 2861

(3) If the aggregated nonmandatory prison term or terms is 2862  
five years, the eligible offender may file the motion not earlier 2863  
than four years after the eligible offender is delivered to a 2864  
state correctional institution or, if the prison term includes a 2865  
mandatory prison term or terms, not earlier than four years after 2866  
the expiration of all mandatory prison terms. 2867

(4) If the aggregated nonmandatory prison term or terms is 2868  
more than five years but not more than ten years, the eligible 2869  
offender may file the motion not earlier than five years after the 2870  
eligible offender is delivered to a state correctional institution 2871  
or, if the prison term includes a mandatory prison term or terms, 2872  
not earlier than five years after the expiration of all mandatory 2873  
prison terms. 2874

(5) If the aggregated nonmandatory prison term or terms is 2875  
more than ten years, the eligible offender may file the motion not 2876

earlier than the later of the date on which the offender has 2877  
served one-half of the offender's stated prison term or the date 2878  
specified in division (C)(4) of this section. 2879

(D) Upon receipt of a timely motion for judicial release 2880  
filed by an eligible offender under division (C) of this section 2881  
or upon the sentencing court's own motion made within the 2882  
appropriate time specified in that division, the court may deny 2883  
the motion without a hearing or schedule a hearing on the motion. 2884  
The court shall not grant the motion without a hearing. If a court 2885  
denies a motion without a hearing, the court later may consider 2886  
judicial release for that eligible offender on a subsequent motion 2887  
filed by that eligible offender unless the court denies the motion 2888  
with prejudice. If a court denies a motion with prejudice, the 2889  
court may later consider judicial release on its own motion. If a 2890  
court denies a motion after a hearing, the court shall not 2891  
consider a subsequent motion for that eligible offender. The court 2892  
shall hold only one hearing for any eligible offender. 2893

A hearing under this section shall be conducted in open court 2894  
not less than thirty or more than sixty days after the motion is 2895  
filed, provided that the court may delay the hearing for one 2896  
hundred eighty additional days. If the court holds a hearing, the 2897  
court shall enter a ruling on the motion within ten days after the 2898  
hearing. If the court denies the motion without a hearing, the 2899  
court shall enter its ruling on the motion within sixty days after 2900  
the motion is filed. 2901

(E) If a court schedules a hearing under division (D) of this 2902  
section, the court shall notify the eligible offender and the head 2903  
of the state correctional institution in which the eligible 2904  
offender is confined prior to the hearing. The head of the state 2905  
correctional institution immediately shall notify the appropriate 2906  
person at the department of rehabilitation and correction of the 2907  
hearing, and the department within twenty-four hours after receipt 2908

of the notice, shall post on the database it maintains pursuant to 2909  
section 5120.66 of the Revised Code the offender's name and all of 2910  
the information specified in division (A)(1)(c)(i) of that 2911  
section. If the court schedules a hearing for judicial release, 2912  
the court promptly shall give notice of the hearing to the 2913  
prosecuting attorney of the county in which the eligible offender 2914  
was indicted. Upon receipt of the notice from the court, the 2915  
prosecuting attorney shall do whichever of the following is 2916  
applicable: 2917

(1) Subject to division (E)(2) of this section, notify the 2918  
victim of the offense or the victim's representative pursuant to 2919  
division (B) of section 2930.16 of the Revised Code; 2920

(2) If the offense was an offense of violence that is a 2921  
felony of the first, second, or third degree, except as otherwise 2922  
provided in this division, notify the victim or the victim's 2923  
representative of the hearing regardless of whether the victim or 2924  
victim's representative has requested the notification. The notice 2925  
of the hearing shall not be given under this division to a victim 2926  
or victim's representative if the victim or victim's 2927  
representative has requested pursuant to division (B)(2) of 2928  
section 2930.03 of the Revised Code that the victim or the 2929  
victim's representative not be provided the notice. If notice is 2930  
to be provided to a victim or victim's representative under this 2931  
division, the prosecuting attorney may give the notice by any 2932  
reasonable means, including regular mail, telephone, and 2933  
electronic mail, in accordance with division (D)(1) of section 2934  
2930.16 of the Revised Code. If the notice is based on an offense 2935  
committed prior to ~~the effective date of this amendment~~ March 22, 2936  
2013, the notice also shall include the opt-out information 2937  
described in division (D)(1) of section 2930.16 of the Revised 2938  
Code. The prosecuting attorney, in accordance with division (D)(2) 2939  
of section 2930.16 of the Revised Code, shall keep a record of all 2940

attempts to provide the notice, and of all notices provided, under 2941  
this division. Division (E)(2) of this section, and the 2942  
notice-related provisions of division (K) of this section, 2943  
division (D)(1) of section 2930.16, division (H) of section 2944  
2967.12, division (E)(1)(b) of section 2967.19, division (A)(3)(b) 2945  
of section 2967.26, division (D)(1) of section 2967.28, and 2946  
division (A)(2) of section 5149.101 of the Revised Code enacted in 2947  
the act in which division (E)(2) of this section was enacted, 2948  
shall be known as "Roberta's Law." 2949

(F) Upon an offender's successful completion of 2950  
rehabilitative activities, the head of the state correctional 2951  
institution may notify the sentencing court of the successful 2952  
completion of the activities. 2953

(G) Prior to the date of the hearing on a motion for judicial 2954  
release under this section, the head of the state correctional 2955  
institution in which the eligible offender is confined shall send 2956  
to the court an institutional summary report on the eligible 2957  
offender's conduct in the institution and in any institution from 2958  
which the eligible offender may have been transferred. Upon the 2959  
request of the prosecuting attorney of the county in which the 2960  
eligible offender was indicted or of any law enforcement agency, 2961  
the head of the state correctional institution, at the same time 2962  
the person sends the institutional summary report to the court, 2963  
also shall send a copy of the report to the requesting prosecuting 2964  
attorney and law enforcement agencies. The institutional summary 2965  
report shall cover the eligible offender's participation in 2966  
school, vocational training, work, treatment, and other 2967  
rehabilitative activities and any disciplinary action taken 2968  
against the eligible offender. The report shall be made part of 2969  
the record of the hearing. A presentence investigation report is 2970  
not required for judicial release. 2971

(H) If the court grants a hearing on a motion for judicial 2972

release under this section, the eligible offender shall attend the 2973  
hearing if ordered to do so by the court. Upon receipt of a copy 2974  
of the journal entry containing the order, the head of the state 2975  
correctional institution in which the eligible offender is 2976  
incarcerated shall deliver the eligible offender to the sheriff of 2977  
the county in which the hearing is to be held. The sheriff shall 2978  
convey the eligible offender to and from the hearing. 2979

(I) At the hearing on a motion for judicial release under 2980  
this section, the court shall afford the eligible offender and the 2981  
eligible offender's attorney an opportunity to present written 2982  
and, if present, oral information relevant to the motion. The 2983  
court shall afford a similar opportunity to the prosecuting 2984  
attorney, the victim or the victim's representative, and any other 2985  
person the court determines is likely to present additional 2986  
relevant information. The court shall consider any statement of a 2987  
victim made pursuant to section 2930.14 or 2930.17 of the Revised 2988  
Code, any victim impact statement prepared pursuant to section 2989  
2947.051 of the Revised Code, and any report made under division 2990  
(G) of this section. The court may consider any written statement 2991  
of any person submitted to the court pursuant to division (L) of 2992  
this section. After ruling on the motion, the court shall notify 2993  
the victim of the ruling in accordance with sections 2930.03 and 2994  
2930.16 of the Revised Code. 2995

(J)(1) A court shall not grant a judicial release under this 2996  
section to an eligible offender who is imprisoned for a felony of 2997  
the first or second degree, or to an eligible offender who 2998  
committed an offense under Chapter 2925. or 3719. of the Revised 2999  
Code and for whom there was a presumption under section 2929.13 of 3000  
the Revised Code in favor of a prison term, unless the court, with 3001  
reference to factors under section 2929.12 of the Revised Code, 3002  
finds both of the following: 3003

(a) That a sanction other than a prison term would adequately 3004

punish the offender and protect the public from future criminal 3005  
violations by the eligible offender because the applicable factors 3006  
indicating a lesser likelihood of recidivism outweigh the 3007  
applicable factors indicating a greater likelihood of recidivism; 3008

(b) That a sanction other than a prison term would not demean 3009  
the seriousness of the offense because factors indicating that the 3010  
eligible offender's conduct in committing the offense was less 3011  
serious than conduct normally constituting the offense outweigh 3012  
factors indicating that the eligible offender's conduct was more 3013  
serious than conduct normally constituting the offense. 3014

(2) A court that grants a judicial release to an eligible 3015  
offender under division (J)(1) of this section shall specify on 3016  
the record both findings required in that division and also shall 3017  
list all the factors described in that division that were 3018  
presented at the hearing. 3019

(K) If the court grants a motion for judicial release under 3020  
this section, the court shall order the release of the eligible 3021  
offender, shall place the eligible offender under an appropriate 3022  
community control sanction, under appropriate conditions, and 3023  
under the supervision of the department of probation serving the 3024  
court and shall reserve the right to reimpose the sentence that it 3025  
reduced if the offender violates the sanction. If the court 3026  
reimposes the reduced sentence, it may do so either concurrently 3027  
with, or consecutive to, any new sentence imposed upon the 3028  
eligible offender as a result of the violation that is a new 3029  
offense. The period of community control shall be no longer than 3030  
five years. The court, in its discretion, may reduce the period of 3031  
community control by the amount of time the eligible offender 3032  
spent in jail or prison for the offense and in prison. If the 3033  
court made any findings pursuant to division (J)(1) of this 3034  
section, the court shall serve a copy of the findings upon counsel 3035  
for the parties within fifteen days after the date on which the 3036

court grants the motion for judicial release. 3037

If the court grants a motion for judicial release, the court 3038  
shall notify the appropriate person at the department of 3039  
rehabilitation and correction, and the department shall post 3040  
notice of the release on the database it maintains pursuant to 3041  
section 5120.66 of the Revised Code. The court also shall notify 3042  
the prosecuting attorney of the county in which the eligible 3043  
offender was indicted that the motion has been granted. Unless the 3044  
victim or the victim's representative has requested pursuant to 3045  
division (B)(2) of section 2930.03 of the Revised Code that the 3046  
victim or victim's representative not be provided the notice, the 3047  
prosecuting attorney shall notify the victim or the victim's 3048  
representative of the judicial release in any manner, and in 3049  
accordance with the same procedures, pursuant to which the 3050  
prosecuting attorney is authorized to provide notice of the 3051  
hearing pursuant to division (E)(2) of this section. If the notice 3052  
is based on an offense committed prior to ~~the effective date of~~ 3053  
~~this amendment~~ March 22, 2013, the notice to the victim or 3054  
victim's representative also shall include the opt-out information 3055  
described in division (D)(1) of section 2930.16 of the Revised 3056  
Code. 3057

(L) In addition to and independent of the right of a victim 3058  
to make a statement pursuant to section 2930.14, 2930.17, or 3059  
2946.051 of the Revised Code and any right of a person to present 3060  
written information or make a statement pursuant to division (I) 3061  
of this section, any person may submit to the court, at any time 3062  
prior to the hearing on the offender's motion for judicial 3063  
release, a written statement concerning the effects of the 3064  
offender's crime or crimes, the circumstances surrounding the 3065  
crime or crimes, the manner in which the crime or crimes were 3066  
perpetrated, and the person's opinion as to whether the offender 3067  
should be released. 3068

(M) The changes to this section that are made on September 30, 2011, apply to any judicial release decision made on or after September 30, 2011, for any eligible offender.

**Sec. 2929.26.** (A) Except when a mandatory jail term is required by law, the court imposing a sentence for a misdemeanor, other than a minor misdemeanor, may impose upon the offender any community residential sanction or combination of community residential sanctions under this section. Community residential sanctions include, but are not limited to, the following:

(1) A term of up to one hundred eighty days in a halfway house or community-based correctional facility or a term in a halfway house or community-based correctional facility not to exceed the longest jail term available for the offense, whichever is shorter, if the political subdivision that would have responsibility for paying the costs of confining the offender in a jail has entered into a contract with the halfway house or community-based correctional facility for use of the facility for misdemeanor offenders;

(2) If the offender is an eligible offender, as defined in section 307.932 of the Revised Code, a term ~~of up to sixty days~~ in a community alternative sentencing center or district community alternative sentencing center established and operated in accordance with that section, in the circumstances specified in that section, with one of the conditions of the sanction being that the offender successfully complete the portion of the sentence to be served in the center ~~the entire term imposed~~.

(B) A sentence to a community residential sanction under division (A)~~(3)~~(2) of this section shall be in accordance with section 307.932 of the Revised Code. In all other cases, the court that sentences an offender to a community residential sanction under this section may do either or both of the following:

(1) Permit the offender to serve the offender's sentence in  
intermittent confinement, overnight, on weekends or at any other  
time or times that will allow the offender to continue at the  
offender's occupation or care for the offender's family;

(2) Authorize the offender to be released so that the  
offender may seek or maintain employment, receive education or  
training, receive treatment, perform community service, or  
otherwise fulfill an obligation imposed by law or by the court. A  
release pursuant to this division shall be only for the duration  
of time that is needed to fulfill the purpose of the release and  
for travel that reasonably is necessary to fulfill the purposes of  
the release.

(C) The court may order that a reasonable portion of the  
income earned by the offender upon a release pursuant to division  
(B) of this section be applied to any financial sanction imposed  
under section 2929.28 of the Revised Code.

(D) No court shall sentence any person to a prison term for a  
misdemeanor or minor misdemeanor or to a jail term for a minor  
misdemeanor.

(E) If a court sentences a person who has been convicted of  
or pleaded guilty to a misdemeanor to a community residential  
sanction as described in division (A) of this section, at the time  
of reception and at other times the person in charge of the  
operation of the halfway house, community alternative sentencing  
center, district community alternative sentencing center, or other  
place at which the offender will serve the residential sanction  
determines to be appropriate, the person in charge of the  
operation of the halfway house, community alternative sentencing  
center, district community alternative sentencing center, or other  
place may cause the convicted offender to be examined and tested  
for tuberculosis, HIV infection, hepatitis, including, but not  
limited to, hepatitis A, B, and C, and other contagious diseases.

The person in charge of the operation of the halfway house, 3132  
community alternative sentencing center, district community 3133  
alternative sentencing center, or other place at which the 3134  
offender will serve the residential sanction may cause a convicted 3135  
offender in the halfway house, community alternative sentencing 3136  
center, district community alternative sentencing center, or other 3137  
place who refuses to be tested or treated for tuberculosis, HIV 3138  
infection, hepatitis, including, but not limited to, hepatitis A, 3139  
B, and C, or another contagious disease to be tested and treated 3140  
involuntarily. 3141

(F) A political subdivision may enter into a contract with a 3142  
halfway house for use of the halfway house to house misdemeanor 3143  
offenders under a sanction imposed under division (A)(1) of this 3144  
section. 3145

**Sec. 2947.09.** (A) If a person is charged with an offense in a 3146  
court of common pleas, including a juvenile court, and either 3147  
fails to appear in court at the required time and place to answer 3148  
the charge or pleads guilty to or is found guilty of the offense 3149  
or is adjudicated a delinquent child or juvenile traffic offender 3150  
based on the offense and fails within the time allowed by the 3151  
court to pay any fine or costs imposed by the court, ~~unless the~~ 3152  
~~court previously has given written notice to the person, the court~~ 3153  
~~shall send the person a notice by ordinary mail at the person's~~ 3154  
~~last known address stating that there is a balance due, specifying~~ 3155  
~~the amount of the balance due, and directing the person to contact~~ 3156  
~~the court clerk's office within ten days of the date of the~~ 3157  
~~notice. The notice shall include the sentence: "WARNING: Failure~~ 3158  
~~to timely respond to this notice may result in the blocking of~~ 3159  
~~your motor vehicle registration or transfer of registration!" To~~ 3160  
~~avoid a block on the person's motor vehicle registration or~~ 3161  
~~transfer of registration, the person may enter into a written~~ 3162  
~~agreement with the court to pay the balance due in installments or~~ 3163

~~to perform community service in lieu of payment. The agreement 3164  
shall include the sentence: "WARNING: Failure to comply with the 3165  
payment schedule or to complete your community service requirement 3166  
may result in the blocking of your motor vehicle registration or 3167  
transfer of registration!" 3168~~

~~If a person does not enter into an agreement under this 3169  
division or if a person fails to comply with an agreement entered 3170  
into under this division, the court may enter information relative 3171  
to the person's failure to pay any outstanding amount of the fine 3172  
or costs on a form prescribed or approved by the registrar of 3173  
motor vehicles pursuant to division (B) of this section and send 3174  
the form to the registrar. Upon receipt of the form, the registrar 3175  
shall take any measures necessary to ensure that neither the 3176  
registrar nor any deputy registrar accepts any application for the 3177  
registration or transfer of registration of any motor vehicle 3178  
owned or leased by the person. However, for a motor vehicle leased 3179  
by the person, the registrar shall not implement this requirement 3180  
until the registrar adopts procedures for that implementation 3181  
under section 4503.39 of the Revised Code. 3182~~

The period of denial relating to the issuance or transfer of 3183  
a certificate of registration for a motor vehicle imposed under 3184  
this section remains in effect until the person pays any fine or 3185  
costs imposed by the court relative to the offense. When the fine 3186  
or costs have been paid in full, the court shall inform the 3187  
registrar of the payment by entering information relative to the 3188  
payment on a notice of payment form prescribed or approved by the 3189  
registrar pursuant to division (B) of this section and sending the 3190  
form to the registrar. 3191

(B) The registrar shall prescribe and make available to 3192  
courts of common pleas forms to be used for a notice to the 3193  
registrar of failure to pay fines or costs and a notice to the 3194

registrar of payment of fines or costs under division (A) of this 3195  
section. The registrar may approve the use of other forms for 3196  
these purposes. 3197

The registrar may require that any of the forms prescribed or 3198  
approved pursuant to this section be transmitted to the registrar 3199  
electronically. If the registrar requires electronic transmission, 3200  
the registrar shall not be required to give effect to any form 3201  
that is not transmitted electronically. 3202

**Sec. 2947.23.** (A)(1)(a) In all criminal cases, including 3203  
violations of ordinances, the judge or magistrate shall include in 3204  
the sentence the costs of prosecution, including any costs under 3205  
section 2947.231 of the Revised Code, and render a judgment 3206  
against the defendant for such costs. If the judge or magistrate 3207  
imposes a community control sanction or other nonresidential 3208  
sanction, the judge or magistrate, when imposing the sanction, 3209  
shall notify the defendant of both of the following: 3210

(i) If the defendant fails to pay that judgment or fails to 3211  
timely make payments towards that judgment under a payment 3212  
schedule approved by the court, the court may order the defendant 3213  
to perform community service ~~in an amount of not more than forty~~ 3214  
~~hours per month~~ until the judgment is paid or until the court is 3215  
satisfied that the defendant is in compliance with the approved 3216  
payment schedule. 3217

(ii) If the court orders the defendant to perform the 3218  
community service, the defendant will receive credit upon the 3219  
judgment at the specified hourly credit rate per hour of community 3220  
service performed, and each hour of community service performed 3221  
will reduce the judgment by that amount. 3222

(b) The failure of a judge or magistrate to notify the 3223  
defendant pursuant to division (A)(1)(a) of this section does not 3224  
negate or limit the authority of the court to order the defendant 3225

to perform community service if the defendant fails to pay the 3226  
judgment described in that division or to timely make payments 3227  
toward that judgment under an approved payment plan. 3228

(2) The following shall apply in all criminal cases: 3229

(a) If a jury has been sworn at the trial of a case, the fees 3230  
of the jurors shall be included in the costs, which shall be paid 3231  
to the public treasury from which the jurors were paid. 3232

(b) If a jury has not been sworn at the trial of a case 3233  
because of a defendant's failure to appear without good cause or 3234  
because the defendant entered a plea of guilty or no contest less 3235  
than twenty-four hours before the scheduled commencement of the 3236  
trial, the costs incurred in summoning jurors for that particular 3237  
trial may be included in the costs of prosecution. If the costs 3238  
incurred in summoning jurors are assessed against the defendant, 3239  
those costs shall be paid to the public treasury from which the 3240  
jurors were paid. 3241

(B) If a judge or magistrate has reason to believe that a 3242  
defendant has failed to pay the judgment described in division (A) 3243  
of this section or has failed to timely make payments towards that 3244  
judgment under a payment schedule approved by the judge or 3245  
magistrate, the judge or magistrate shall hold a hearing to 3246  
determine whether to order the offender to perform community 3247  
service for that failure. The judge or magistrate shall notify 3248  
both the defendant and the prosecuting attorney of the place, 3249  
time, and date of the hearing and shall give each an opportunity 3250  
to present evidence. If, after the hearing, the judge or 3251  
magistrate determines that the defendant has failed to pay the 3252  
judgment or to timely make payments under the payment schedule and 3253  
that imposition of community service for the failure is 3254  
appropriate, the judge or magistrate may order the offender to 3255  
perform community service ~~in an amount of not more than forty~~ 3256  
~~hours per month~~ until the judgment is paid or until the judge or 3257

magistrate is satisfied that the offender is in compliance with 3258  
the approved payment schedule. If the judge or magistrate orders 3259  
the defendant to perform community service under this division, 3260  
the defendant shall receive credit upon the judgment at the 3261  
specified hourly credit rate per hour of community service 3262  
performed, and each hour of community service performed shall 3263  
reduce the judgment by that amount. Except for the credit and 3264  
reduction provided in this division, ordering an offender to 3265  
perform community service under this division does not lessen the 3266  
amount of the judgment and does not preclude the state from taking 3267  
any other action to execute the judgment. 3268

(C) The court retains jurisdiction to waive, suspend, or 3269  
modify the payment of the costs of prosecution, including any 3270  
costs under section 2947.231 of the Revised Code, at the time of 3271  
sentencing or at any time thereafter. 3272

(D) As used in this section: 3273

(1) "Case" means a prosecution of all of the charges that 3274  
result from the same act, transaction, or series of acts or 3275  
transactions and that are given the same case type designator and 3276  
case number under Rule 43 of the Rules of Superintendence for the 3277  
Courts of Ohio or any successor to that rule. 3278

(2) "Specified hourly credit rate" means an hourly credit 3279  
rate set by the judge or magistrate, which shall not be less than 3280  
the wage rate that is specified in 26 U.S.C.A. 206(a)(1) under the 3281  
federal Fair Labor Standards Act of 1938, that then is in effect, 3282  
and that an employer subject to that provision must pay per hour 3283  
to each of the employer's employees who is subject to that 3284  
provision. 3285

**Sec. 2953.25.** (A) As used in this section: 3286

(1) "Collateral sanction" means a penalty, disability, or 3287

disadvantage that is related to employment or occupational 3288  
licensing, however denominated, as a result of the individual's 3289  
conviction of or plea of guilty to an offense and that applies by 3290  
operation of law in this state whether or not the penalty, 3291  
disability, or disadvantage is included in the sentence or 3292  
judgment imposed. 3293

"Collateral sanction" does not include imprisonment, 3294  
probation, parole, supervised release, forfeiture, restitution, 3295  
fine, assessment, or costs of prosecution. 3296

(2) "Decision-maker" includes, but is not limited to, the 3297  
state acting through a department, agency, board, commission, or 3298  
instrumentality established by the law of this state for the 3299  
exercise of any function of government, a political subdivision, 3300  
an educational institution, or a government contractor or 3301  
subcontractor made subject to this section by contract, law, or 3302  
ordinance. 3303

(3) "Department-funded program" means a residential or 3304  
nonresidential program that is not a term in a state correctional 3305  
institution, that is funded in whole or part by the department of 3306  
rehabilitation and correction, and that is imposed as a sanction 3307  
for an offense, as part of a sanction that is imposed for an 3308  
offense, or as a term or condition of any sanction that is imposed 3309  
for an offense. 3310

(4) "Designee" means the person designated by the deputy 3311  
director of the division of parole and community services to 3312  
perform the duties designated in division (B) of this section. 3313

(5) "Division of parole and community services" means the 3314  
division of parole and community services of the department of 3315  
rehabilitation and correction. 3316

(6) "Offense" means any felony or misdemeanor under the laws 3317  
of this state. 3318

(7) "Political subdivision" has the same meaning as in 3319  
section 2969.21 of the Revised Code. 3320

(B)(1) After the provisions of this division become operative 3321  
as described in division (J) of this section, an individual who is 3322  
subject to one or more collateral sanctions as a result of being 3323  
convicted of or pleading guilty to an offense and who either has 3324  
served a term in a state correctional institution for any offense 3325  
or has spent time in a department-funded program for any offense 3326  
may file a petition with the designee of the deputy director of 3327  
the division of parole and community services for a certificate of 3328  
qualification for employment. 3329

(2) After the provisions of this division become operative as 3330  
described in division (J) of this section, an individual who is 3331  
subject to one or more collateral sanctions as a result of being 3332  
convicted of or pleading guilty to an offense and who is not in a 3333  
category described in division (B)(1) of this section may file a 3334  
petition with the court of common pleas of the county in which the 3335  
person resides or with the designee of the deputy director of the 3336  
division of parole and community services for a certificate of 3337  
qualification for employment. 3338

(3) A petition under division (B)(1) or (2) of this section 3339  
shall be made on a copy of the form prescribed by the division of 3340  
parole and community services under division (J) of this section 3341  
and shall contain all of the information described in division (F) 3342  
of this section. 3343

(4) An individual may file a petition under division (B)(1) 3344  
or (2) of this section at any time after the expiration of 3345  
whichever of the following is applicable: 3346

(a) If the offense that resulted in the collateral sanction 3347  
from which the individual seeks relief is a felony, at any time 3348  
after the expiration of one year from the date of release of the 3349

individual from any period of incarceration in a state or local 3350  
correctional facility that was imposed for that offense and all 3351  
periods of supervision imposed after release from the period of 3352  
incarceration or, if the individual was not incarcerated for that 3353  
offense, at any time after the expiration of one year from the 3354  
date of the individual's final release from all other sanctions 3355  
imposed for that offense. 3356

(b) If the offense that resulted in the collateral sanction 3357  
from which the individual seeks relief is a misdemeanor, at any 3358  
time after the expiration of six months from the date of release 3359  
of the individual from any period of incarceration in a local 3360  
correctional facility that was imposed for that offense and all 3361  
periods of supervision imposed after release from the period of 3362  
incarceration or, if the individual was not incarcerated for that 3363  
offense, at any time after the expiration of six months from the 3364  
date of the final release of the individual from all sanctions 3365  
imposed for that offense including any period of supervision. 3366

(5)(a) A designee that receives a petition for a 3367  
certification of qualification for employment from an individual 3368  
under division (B)(1) or (2) of this section shall review the 3369  
petition to determine whether it is complete. If the petition is 3370  
complete, the designee shall forward the petition, and any other 3371  
information the designee possesses that relates to the petition, 3372  
to the court of common pleas of the county in which the individual 3373  
resides. 3374

(b) A court of common pleas that receives a petition for a 3375  
certificate of qualification for employment from an individual 3376  
under division (B)(2) of this section, or that is forwarded a 3377  
petition for such a certificate under division (B)(5)(a) of this 3378  
section, shall attempt to determine all other courts in this state 3379  
in which the individual was convicted of or pleaded guilty to an 3380  
offense other than the offense from which the individual is 3381

seeking relief. The court that receives or is forwarded the 3382  
petition shall notify all other courts in this state that it 3383  
determines under this division were courts in which the individual 3384  
was convicted of or pleaded guilty to an offense other than the 3385  
offense from which the individual is seeking relief that the 3386  
individual has filed the petition and that the court may send 3387  
comments regarding the possible issuance of the certificate. 3388

A court of common pleas that receives a petition for a 3389  
certificate of qualification for employment under division (B)(2) 3390  
of this section shall notify the prosecuting attorney of the 3391  
county in which the individual resides that the individual has 3392  
filed the petition. 3393

A court of common pleas that receives a petition for a 3394  
certificate of qualification for employment under division (B)(2)  
of this section, or that is forwarded a petition for qualification  
under division (B)(5)(a) of this section may direct the clerk of  
court to process and record all notices required in or under this  
section. 3395  
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(C)(1) Upon receiving a petition for a certificate of 3400  
qualification for employment filed by an individual under division 3401  
(B)(2) of this section or being forwarded a petition for such a 3402  
certificate under division (B)(5)(a) of this section, the court 3403  
shall review the individual's petition, the individual's criminal 3404  
history, all filings submitted by the prosecutor or by the victim 3405  
in accordance with rules adopted by the division of parole and 3406  
community services, and all other relevant evidence. The court may 3407  
order any report, investigation, or disclosure by the individual 3408  
that the court believes is necessary for the court to reach a 3409  
decision on whether to approve the individual's petition for a 3410  
certificate of qualification for employment. 3411

(2) Upon receiving a petition for a certificate of 3412  
qualification for employment filed by an individual under division 3413

(B)(2) of this section or being forwarded a petition for such a certificate under division (B)(5)(a) of this section, except as otherwise provided in this division, the court shall decide whether to issue the certificate within sixty days after the court receives or is forwarded the completed petition and all information requested for the court to make that decision. Upon request of the individual who filed the petition, the court may extend the sixty-day period specified in this division.

(3) Subject to division (C)(5) of this section, a court that receives an individual's petition for a certificate of qualification for employment under division (B)(2) of this section or that is forwarded a petition for such a certificate under division (B)(5)(a) of this section may issue a certificate of qualification for employment, at the court's discretion, if the court finds that the individual has established all of the following by a preponderance of the evidence:

(a) Granting the petition will materially assist the individual in obtaining employment or occupational licensing.

(b) The individual has a substantial need for the relief requested in order to live a law-abiding life.

(c) Granting the petition would not pose an unreasonable risk to the safety of the public or any individual.

(4) The submission of an incomplete petition by an individual shall not be grounds for the designee or court to deny the petition.

(5) A court that receives an individual's petition for a certificate of qualification for employment under division (B)(2) of this section or that is forwarded a petition for such a certificate under division (B)(5)(a) of this section shall not issue a certificate of qualification for employment that grants the individual relief from any of the following collateral

sanctions:	3445
(a) Requirements imposed by Chapter 2950. of the Revised Code	3446
and rules adopted under sections 2950.13 and 2950.132 of the	3447
Revised Code;	3448
(b) A driver's license, commercial driver's license, or	3449
probationary license suspension, cancellation, or revocation	3450
pursuant to section 4510.037, 4510.07, 4511.19, or 4511.191 of the	3451
Revised Code if the relief sought is available pursuant to section	3452
4510.021 or division (B) of section 4510.13 of the Revised Code;	3453
(c) Restrictions on employment as a prosecutor or law	3454
enforcement officer;	3455
(d) The denial, ineligibility, or automatic suspension of a	3456
license that is imposed upon an individual applying for or holding	3457
a license as a health care professional under Title XLVII of the	3458
Revised Code if the individual is convicted of, pleads guilty to,	3459
is subject to a judicial finding of eligibility for intervention	3460
in lieu of conviction in this state under section 2951.041 of the	3461
Revised Code, or is subject to treatment or intervention in lieu	3462
of conviction for a violation of section 2903.01, 2903.02,	3463
2903.03, 2903.11, 2905.01, 2907.02, 2907.03, 2907.05, 2909.02,	3464
2911.01, 2911.11, or 2919.123 of the Revised Code;	3465
(e) The immediate suspension of a license, certificate, or	3466
evidence of registration that is imposed upon an individual	3467
holding a license as a health care professional under Title XLVII	3468
of the Revised Code pursuant to division (C) of section 3719.121	3469
of the Revised Code;	3470
(f) The denial or ineligibility for employment in a pain	3471
clinic under division (B)(4) of section 4729.552 of the Revised	3472
Code;	3473
(g) The mandatory suspension of a license that is imposed on	3474
an individual applying for or holding a license as a health care	3475

professional under Title XLVII of the Revised Code pursuant to 3476  
section 3123.43 of the Revised Code. 3477

(6) If a court that receives an individual's petition for a 3478  
certificate of qualification for employment under division (B)(2) 3479  
of this section or that is forwarded a petition for such a 3480  
certificate under division (B)(5)(a) of this section denies the 3481  
petition, the court shall provide written notice to the individual 3482  
of the court's denial. The court may place conditions on the 3483  
individual regarding the individual's filing of any subsequent 3484  
petition for a certificate of qualification for employment. The 3485  
written notice must notify the individual of any conditions placed 3486  
on the individual's filing of a subsequent petition for a 3487  
certificate of qualification for employment. 3488

If a court of common pleas that receives an individual's 3489  
petition for a certificate of qualification for employment under 3490  
division (B)(2) of this section or that is forwarded a petition 3491  
for such a certificate under division (B)(5)(a) of this section 3492  
denies the petition, the individual may appeal the decision to the 3493  
court of appeals only if the individual alleges that the denial 3494  
was an abuse of discretion on the part of the court of common 3495  
pleas. 3496

(D) A certificate of qualification for employment issued to 3497  
an individual lifts the automatic bar of a collateral sanction, 3498  
and a decision-maker shall consider on a case-by-case basis 3499  
whether to grant or deny the issuance or restoration of an 3500  
occupational license or an employment opportunity, notwithstanding 3501  
the individual's possession of the certificate, without, however, 3502  
reconsidering or rejecting any finding made by a designee or court 3503  
under division (C)(3) of this section. 3504

(E) A certificate of qualification for employment does not 3505  
grant the individual to whom the certificate was issued relief 3506  
from the mandatory civil impacts identified in division (A)(1) of 3507

section 2961.01 or division (B) of section 2961.02 of the Revised Code. 3508  
3509

(F) A petition for a certificate of qualification for employment filed by an individual under division (B)(1) or (2) of this section shall include all of the following: 3510  
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3512

(1) The individual's name, date of birth, and social security number; 3513  
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(2) All aliases of the individual and all social security numbers associated with those aliases; 3515  
3516

(3) The individual's residence address, including the city, county, and state of residence and zip code; 3517  
3518

(4) The length of time that the individual has been a resident of this state, expressed in years and months of residence; 3519  
3520  
3521

(5) The name or type of each collateral sanction from which the individual is requesting a certificate of qualification for employment; 3522  
3523  
3524

(6) A summary of the individual's criminal history with respect to each offense that is a disqualification from employment or licensing in an occupation or profession, including the years of each conviction or plea of guilty for each of those offenses; 3525  
3526  
3527  
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(7) A summary of the individual's employment history, specifying the name of, and dates of employment with, each employer; 3529  
3530  
3531

(8) Verifiable references and endorsements; 3532

(9) The name of one or more immediate family members of the individual, or other persons with whom the individual has a close relationship, who support the individual's reentry plan; 3533  
3534  
3535

(10) A summary of the reason the individual believes the certificate of qualification for employment should be granted; 3536  
3537

(11) Any other information required by rule by the department 3538  
of rehabilitation and correction. 3539

(G)(1) In a judicial or administrative proceeding alleging 3540  
negligence or other fault, a certificate of qualification for 3541  
employment issued to an individual under this section may be 3542  
introduced as evidence of a person's due care in hiring, 3543  
retaining, licensing, leasing to, admitting to a school or 3544  
program, or otherwise transacting business or engaging in activity 3545  
with the individual to whom the certificate of qualification for 3546  
employment was issued if the person knew of the certificate at the 3547  
time of the alleged negligence or other fault. 3548

(2) In any proceeding on a claim against an employer for 3549  
negligent hiring, a certificate of qualification for employment 3550  
issued to an individual under this section shall provide immunity 3551  
for the employer as to the claim if the employer knew of the 3552  
certificate at the time of the alleged negligence. 3553

(3) If an employer hires an individual who has been issued a 3554  
certificate of qualification for employment under this section, if 3555  
the individual, after being hired, subsequently demonstrates 3556  
dangerousness or is convicted of or pleads guilty to a felony, and 3557  
if the employer retains the individual as an employee after the 3558  
demonstration of dangerousness or the conviction or guilty plea, 3559  
the employer may be held liable in a civil action that is based on 3560  
or relates to the retention of the individual as an employee only 3561  
if it is proved by a preponderance of the evidence that the person 3562  
having hiring and firing responsibility for the employer had 3563  
actual knowledge that the employee was dangerous or had been 3564  
convicted of or pleaded guilty to the felony and was willful in 3565  
retaining the individual as an employee after the demonstration of 3566  
dangerousness or the conviction or guilty plea of which the person 3567  
has actual knowledge. 3568

(H) A certificate of qualification for employment issued 3569

under this section shall be presumptively revoked if the 3570  
individual to whom the certificate of qualification for employment 3571  
was issued is convicted of or pleads guilty to a felony offense 3572  
committed subsequent to the issuance of the certificate of 3573  
qualification for employment. 3574

(I) A designee's forwarding, or failure to forward, a 3575  
petition for a certificate of qualification for employment to a 3576  
court or a court's issuance, or failure to issue, a petition for a 3577  
certificate of qualification for employment to an individual under 3578  
division (B) of this section does not give rise to a claim for 3579  
damages against the department of rehabilitation and correction or 3580  
court. 3581

(J) Not later than ninety days after ~~the effective date of~~ 3582  
~~this section~~ September 28, 2012, the division of parole and 3583  
community services shall adopt rules in accordance with Chapter 3584  
119. of the Revised Code for the implementation and administration 3585  
of this section and shall prescribe the form for the petition to 3586  
be used under division (B)(1) or (2) of this section. The form for 3587  
the petition shall include places for all of the information 3588  
specified in division (F) of this section. Upon the adoption of 3589  
the rules, the provisions of divisions (A) to (I) of this section 3590  
become operative. 3591

(K) The department of rehabilitation and correction shall 3592  
conduct a study to determine the manner for transferring the 3593  
mechanism for the issuance of a certificate of qualification for 3594  
employment created by this section to an electronic database 3595  
established and maintained by the department. The database to 3596  
which the mechanism is to be transferred shall include granted 3597  
certificates and revoked certificates and shall be designed to 3598  
track the number of certificates granted and revoked, the 3599  
industries, occupations, and professions with respect to which the 3600  
certificates have been most applicable, the types of employers 3601

that have accepted the certificates, and the recidivism rates of 3602  
individuals who have been issued the certificates. Not later than 3603  
the date that is one year after ~~the effective date of this section~~ 3604  
September 28, 2012, the department of rehabilitation and 3605  
correction shall submit to the general assembly and the governor a 3606  
report that contains the results of the study and recommendations 3607  
for transferring the mechanism for the issuance of certificate of 3608  
qualification for employment created by this section to an 3609  
electronic database established and maintained by the department. 3610

(L) The department of rehabilitation and correction, in 3611  
conjunction with the Ohio judicial conference, shall conduct a 3612  
study to determine whether the application process for 3613  
certificates of qualification for employment created by this 3614  
section is feasible based upon the caseload capacity of the 3615  
department and the courts of common pleas. Not later than the date 3616  
that is one year after ~~the effective date of this section~~ 3617  
September 28, 2012, the department shall submit to the general 3618  
assembly a report that contains the results of the study and any 3619  
recommendations for improvement of the application process. 3620

**Sec. 2953.31.** As used in sections 2953.31 to 2953.36 of the 3621  
Revised Code: 3622

(A) "Eligible offender" means anyone who has been convicted 3623  
of an offense in this state or any other jurisdiction and who has 3624  
not more than one felony conviction, not more than two misdemeanor 3625  
convictions ~~if the convictions are not of the same offense~~, or not 3626  
more than one felony conviction and one misdemeanor conviction in 3627  
this state or any other jurisdiction. When two or more convictions 3628  
result from or are connected with the same act or result from 3629  
offenses committed at the same time, they shall be counted as one 3630  
conviction. When two or three convictions result from the same 3631  
indictment, information, or complaint, from the same plea of 3632

guilty, or from the same official proceeding, and result from 3633  
related criminal acts that were committed within a three-month 3634  
period but do not result from the same act or from offenses 3635  
committed at the same time, they shall be counted as one 3636  
conviction, provided that a court may decide as provided in 3637  
division (C)(1)(a) of section 2953.32 of the Revised Code that it 3638  
is not in the public interest for the two or three convictions to 3639  
be counted as one conviction. 3640

For purposes of, and except as otherwise provided in, this 3641  
division, a conviction for a minor misdemeanor, for a violation of 3642  
any section in Chapter 4507., 4510., 4511., 4513., or 4549. of the 3643  
Revised Code, or for a violation of a municipal ordinance that is 3644  
substantially similar to any section in those chapters is not a 3645  
conviction. However, a conviction for a violation of section 3646  
4511.19, 4511.251, 4549.02, 4549.021, 4549.03, 4549.042, or 3647  
4549.62 or sections 4549.41 to 4549.46 of the Revised Code, for a 3648  
violation of section 4510.11 or 4510.14 of the Revised Code that 3649  
is based upon the offender's operation of a vehicle during a 3650  
suspension imposed under section 4511.191 or 4511.196 of the 3651  
Revised Code, for a violation of a substantially equivalent 3652  
municipal ordinance, for a felony violation of Title XLV of the 3653  
Revised Code, or for a violation of a substantially equivalent 3654  
former law of this state or former municipal ordinance shall be 3655  
considered a conviction. 3656

(B) "Prosecutor" means the county prosecuting attorney, city 3657  
director of law, village solicitor, or similar chief legal 3658  
officer, who has the authority to prosecute a criminal case in the 3659  
court in which the case is filed. 3660

(C) "Bail forfeiture" means the forfeiture of bail by a 3661  
defendant who is arrested for the commission of a misdemeanor, 3662  
other than a defendant in a traffic case as defined in Traffic 3663  
Rule 2, if the forfeiture is pursuant to an agreement with the 3664

court and prosecutor in the case. 3665

(D) "Official records" has the same meaning as in division 3666  
(D) of section 2953.51 of the Revised Code. 3667

(E) "Official proceeding" has the same meaning as in section 3668  
2921.01 of the Revised Code. 3669

(F) "Community control sanction" has the same meaning as in 3670  
section 2929.01 of the Revised Code. 3671

(G) "Post-release control" and "post-release control 3672  
sanction" have the same meanings as in section 2967.01 of the 3673  
Revised Code. 3674

(H) "DNA database," "DNA record," and "law enforcement 3675  
agency" have the same meanings as in section 109.573 of the 3676  
Revised Code. 3677

(I) "Fingerprints filed for record" means any fingerprints 3678  
obtained by the superintendent of the bureau of criminal 3679  
identification and investigation pursuant to sections 109.57 and 3680  
109.571 of the Revised Code. 3681

**Sec. 2953.32.** (A)(1) Except as provided in section 2953.61 of 3682  
the Revised Code, an eligible offender may apply to the sentencing 3683  
court if convicted in this state, or to a court of common pleas if 3684  
convicted in another state or in a federal court, for the sealing 3685  
of the ~~conviction~~ record of the case that pertains to the 3686  
conviction. Application may be made at the expiration of three 3687  
years after the offender's final discharge if convicted of a 3688  
felony, or at the expiration of one year after the offender's 3689  
final discharge if convicted of a misdemeanor. 3690

(2) Any person who has been arrested for any misdemeanor 3691  
offense and who has effected a bail forfeiture for the offense 3692  
charged may apply to the court in which the misdemeanor criminal 3693  
case was pending when bail was forfeited for the sealing of the 3694

record of the case that pertains to the charge. Except as provided 3695  
in section 2953.61 of the Revised Code, the application may be 3696  
filed at any time after the expiration of one year from the date 3697  
on which the bail forfeiture was entered upon the minutes of the 3698  
court or the journal, whichever entry occurs first. 3699

(B) Upon the filing of an application under this section, the 3700  
court shall set a date for a hearing and shall notify the 3701  
prosecutor for the case of the hearing on the application. The 3702  
prosecutor may object to the granting of the application by filing 3703  
an objection with the court prior to the date set for the hearing. 3704  
The prosecutor shall specify in the objection the reasons for 3705  
believing a denial of the application is justified. The court 3706  
shall direct its regular probation officer, a state probation 3707  
officer, or the department of probation of the county in which the 3708  
applicant resides to make inquiries and written reports as the 3709  
court requires concerning the applicant. If the applicant was 3710  
convicted of or pleaded guilty to a violation of division (A)(2) 3711  
or (B) of section 2919.21 of the Revised Code, the probation 3712  
officer or county department of probation that the court directed 3713  
to make inquiries concerning the applicant shall contact the child 3714  
support enforcement agency enforcing the applicant's obligations 3715  
under the child support order to inquire about the offender's 3716  
compliance with the child support order. 3717

(C)(1) The court shall do each of the following: 3718

(a) Determine whether the applicant is an eligible offender 3719  
or whether the forfeiture of bail was agreed to by the applicant 3720  
and the prosecutor in the case. If the applicant applies as an 3721  
eligible offender pursuant to division (A)(1) of this section and 3722  
has two or three convictions that result from the same indictment, 3723  
information, or complaint, from the same plea of guilty, or from 3724  
the same official proceeding, and result from related criminal 3725  
acts that were committed within a three-month period but do not 3726

result from the same act or from offenses committed at the same 3727  
time, in making its determination under this division, the court 3728  
initially shall determine whether it is not in the public interest 3729  
for the two or three convictions to be counted as one conviction. 3730  
If the court determines that it is not in the public interest for 3731  
the two or three convictions to be counted as one conviction, the 3732  
court shall determine that the applicant is not an eligible 3733  
offender; if the court does not make that determination, the court 3734  
shall determine that the offender is an eligible offender. 3735

(b) Determine whether criminal proceedings are pending 3736  
against the applicant; 3737

(c) If the applicant is an eligible offender who applies 3738  
pursuant to division (A)(1) of this section, determine whether the 3739  
applicant has been rehabilitated to the satisfaction of the court; 3740

(d) If the prosecutor has filed an objection in accordance 3741  
with division (B) of this section, consider the reasons against 3742  
granting the application specified by the prosecutor in the 3743  
objection; 3744

(e) Weigh the interests of the applicant in having the 3745  
records pertaining to the applicant's conviction or bail 3746  
forfeiture sealed against the legitimate needs, if any, of the 3747  
government to maintain those records. 3748

(2) If the court determines, after complying with division 3749  
(C)(1) of this section, that the applicant is an eligible offender 3750  
or the subject of a bail forfeiture, that no criminal proceeding 3751  
is pending against the applicant, and that the interests of the 3752  
applicant in having the records pertaining to the applicant's 3753  
conviction or bail forfeiture sealed are not outweighed by any 3754  
legitimate governmental needs to maintain those records, and that 3755  
the rehabilitation of an applicant who is an eligible offender 3756  
applying pursuant to division (A)(1) of this section has been 3757

attained to the satisfaction of the court, the court, except as 3758  
provided in divisions (G) ~~and~~, (H), or (I) of this section, shall 3759  
order all official records ~~pertaining of the case that pertain~~ to 3760  
the ~~case~~ conviction or bail forfeiture sealed and, except as 3761  
provided in division (F) of this section, all index references to 3762  
the case that pertain to the conviction or bail forfeiture deleted 3763  
and, in the case of bail forfeitures, shall dismiss the charges in 3764  
the case. The proceedings in the case that pertain to the 3765  
conviction or bail forfeiture shall be considered not to have 3766  
occurred and the conviction or bail forfeiture of the person who 3767  
is the subject of the proceedings shall be sealed, except that 3768  
upon conviction of a subsequent offense, the sealed record of 3769  
prior conviction or bail forfeiture may be considered by the court 3770  
in determining the sentence or other appropriate disposition, 3771  
including the relief provided for in sections 2953.31 to 2953.33 3772  
of the Revised Code. 3773

(3) An applicant may request the sealing of the records of 3774  
more than one case in a single application under this section. 3775  
Upon the filing of an application under this section, the 3776  
applicant, unless indigent, shall pay a fee of fifty dollars, 3777  
regardless of the number of records the application requests to 3778  
have sealed. The court shall pay thirty dollars of the fee into 3779  
the state treasury. It shall pay twenty dollars of the fee into 3780  
the county general revenue fund if the sealed conviction or bail 3781  
forfeiture was pursuant to a state statute, or into the general 3782  
revenue fund of the municipal corporation involved if the sealed 3783  
conviction or bail forfeiture was pursuant to a municipal 3784  
ordinance. 3785

(D) Inspection of the sealed records included in the order 3786  
may be made only by the following persons or for the following 3787  
purposes: 3788

(1) By a law enforcement officer or prosecutor, or the 3789

assistants of either, to determine whether the nature and 3790  
character of the offense with which a person is to be charged 3791  
would be affected by virtue of the person's previously having been 3792  
convicted of a crime; 3793

(2) By the parole or probation officer of the person who is 3794  
the subject of the records, for the exclusive use of the officer 3795  
in supervising the person while on parole or under a community 3796  
control sanction or a post-release control sanction, and in making 3797  
inquiries and written reports as requested by the court or adult 3798  
parole authority; 3799

(3) Upon application by the person who is the subject of the 3800  
records, by the persons named in the application; 3801

(4) By a law enforcement officer who was involved in the 3802  
case, for use in the officer's defense of a civil action arising 3803  
out of the officer's involvement in that case; 3804

(5) By a prosecuting attorney or the prosecuting attorney's 3805  
assistants, to determine a defendant's eligibility to enter a 3806  
pre-trial diversion program established pursuant to section 3807  
2935.36 of the Revised Code; 3808

(6) By any law enforcement agency or any authorized employee 3809  
of a law enforcement agency or by the department of rehabilitation 3810  
and correction as part of a background investigation of a person 3811  
who applies for employment with the agency as a law enforcement 3812  
officer or with the department as a corrections officer; 3813

(7) By any law enforcement agency or any authorized employee 3814  
of a law enforcement agency, for the purposes set forth in, and in 3815  
the manner provided in, section 2953.321 of the Revised Code; 3816

(8) By the bureau of criminal identification and 3817  
investigation or any authorized employee of the bureau for the 3818  
purpose of providing information to a board or person pursuant to 3819  
division (F) or (G) of section 109.57 of the Revised Code; 3820

(9) By the bureau of criminal identification and 3821  
investigation or any authorized employee of the bureau for the 3822  
purpose of performing a criminal history records check on a person 3823  
to whom a certificate as prescribed in section 109.77 of the 3824  
Revised Code is to be awarded; 3825

(10) By the bureau of criminal identification and 3826  
investigation or any authorized employee of the bureau for the 3827  
purpose of conducting a criminal records check of an individual 3828  
pursuant to division (B) of section 109.572 of the Revised Code 3829  
that was requested pursuant to any of the sections identified in 3830  
division (B)(1) of that section; 3831

(11) By the bureau of criminal identification and 3832  
investigation, an authorized employee of the bureau, a sheriff, or 3833  
an authorized employee of a sheriff in connection with a criminal 3834  
records check described in section 311.41 of the Revised Code; 3835

(12) By the attorney general or an authorized employee of the 3836  
attorney general or a court for purposes of determining a person's 3837  
classification pursuant to Chapter 2950. of the Revised Code; 3838

(13) By a court, the registrar of motor vehicles, a 3839  
prosecuting attorney or the prosecuting attorney's assistants, or 3840  
a law enforcement officer for the purpose of assessing points 3841  
against a person under section 4510.036 of the Revised Code or for 3842  
taking action with regard to points assessed. 3843

When the nature and character of the offense with which a 3844  
person is to be charged would be affected by the information, it 3845  
may be used for the purpose of charging the person with an 3846  
offense. 3847

(E) In any criminal proceeding, proof of any otherwise 3848  
admissible prior conviction may be introduced and proved, 3849  
notwithstanding the fact that for any such prior conviction an 3850  
order of sealing previously was issued pursuant to sections 3851

2953.31 to 2953.36 of the Revised Code. 3852

(F) The person or governmental agency, office, or department 3853  
that maintains sealed records pertaining to convictions or bail 3854  
forfeitures that have been sealed pursuant to this section may 3855  
maintain a manual or computerized index to the sealed records. The 3856  
index shall contain only the name of, and alphanumeric identifiers 3857  
that relate to, the persons who are the subject of the sealed 3858  
records, the word "sealed," and the name of the person, agency, 3859  
office, or department that has custody of the sealed records, and 3860  
shall not contain the name of the crime committed. The index shall 3861  
be made available by the person who has custody of the sealed 3862  
records only for the purposes set forth in divisions (C), (D), and 3863  
(E) of this section. 3864

(G) Notwithstanding any provision of this section or section 3865  
2953.33 of the Revised Code that requires otherwise, a board of 3866  
education of a city, local, exempted village, or joint vocational 3867  
school district that maintains records of an individual who has 3868  
been permanently excluded under sections 3301.121 and 3313.662 of 3869  
the Revised Code is permitted to maintain records regarding a 3870  
conviction that was used as the basis for the individual's 3871  
permanent exclusion, regardless of a court order to seal the 3872  
record. An order issued under this section to seal the record of a 3873  
conviction does not revoke the adjudication order of the 3874  
superintendent of public instruction to permanently exclude the 3875  
individual who is the subject of the sealing order. An order 3876  
issued under this section to seal the record of a conviction of an 3877  
individual may be presented to a district superintendent as 3878  
evidence to support the contention that the superintendent should 3879  
recommend that the permanent exclusion of the individual who is 3880  
the subject of the sealing order be revoked. Except as otherwise 3881  
authorized by this division and sections 3301.121 and 3313.662 of 3882  
the Revised Code, any school employee in possession of or having 3883

access to the sealed conviction records of an individual that were 3884  
the basis of a permanent exclusion of the individual is subject to 3885  
section 2953.35 of the Revised Code. 3886

(H) For purposes of sections 2953.31 to 2953.36 of the 3887  
Revised Code, DNA records collected in the DNA database and 3888  
fingerprints filed for record by the superintendent of the bureau 3889  
of criminal identification and investigation shall not be sealed 3890  
unless the superintendent receives a certified copy of a final 3891  
court order establishing that the offender's conviction has been 3892  
overturned. For purposes of this section, a court order is not 3893  
"final" if time remains for an appeal or application for 3894  
discretionary review with respect to the order. 3895

(I) The sealing of a record under this section does not 3896  
affect the assessment of points under section 4510.036 of the 3897  
Revised Code and does not erase points assessed against a person 3898  
as a result of the sealed record. 3899

**Sec. 2953.321.** (A) As used in this section, "investigatory 3900  
work product" means any records or reports of a law enforcement 3901  
officer or agency that are excepted from the definition of 3902  
"official records" contained in section 2953.51 of the Revised 3903  
Code and that pertain to a ~~case~~ conviction or bail forfeiture the 3904  
records of which have been ordered sealed pursuant to division 3905  
(C)(2) of section 2953.32 of the Revised Code or that pertain to a 3906  
conviction or delinquent child adjudication the records of which 3907  
have been ordered expunged pursuant to division (E) of section 3908  
2151.358, division (D)(2) of section 2953.37, or division (G) of 3909  
section 2953.38 of the Revised Code. 3910

(B) Upon the issuance of an order by a court pursuant to 3911  
division (C)(2) of section 2953.32 of the Revised Code directing 3912  
that all official records of a case pertaining to a ~~case~~ 3913  
conviction or bail forfeiture be sealed or an order by a court 3914

pursuant to division (E) of section 2151.358, division (D)(2) of 3915  
section 2953.37, or division (G) of section 2953.38 of the Revised 3916  
Code directing that all official records of a case pertaining to a 3917  
case conviction or delinquent child adjudication be expunged: 3918

(1) Every law enforcement officer who possesses investigatory 3919  
work product immediately shall deliver that work product to the 3920  
law enforcement officer's employing law enforcement agency. 3921

(2) Except as provided in division (B)(3) of this section, 3922  
every law enforcement agency that possesses investigatory work 3923  
product shall close that work product to all persons who are not 3924  
directly employed by the law enforcement agency and shall treat 3925  
that work product, in relation to all persons other than those who 3926  
are directly employed by the law enforcement agency, as if it did 3927  
not exist and never had existed. 3928

(3) A law enforcement agency that possesses investigatory 3929  
work product may permit another law enforcement agency to use that 3930  
work product in the investigation of another offense if the facts 3931  
incident to the offense being investigated by the other law 3932  
enforcement agency and the facts incident to an offense that is 3933  
the subject of the case are reasonably similar. The agency that 3934  
permits the use of investigatory work product may provide the 3935  
other agency with the name of the person who is the subject of the 3936  
case if it believes that the name of the person is necessary to 3937  
the conduct of the investigation by the other agency. 3938

(C)(1) Except as provided in division (B)(3) of this section, 3939  
no law enforcement officer or other person employed by a law 3940  
enforcement agency shall knowingly release, disseminate, or 3941  
otherwise make the investigatory work product or any information 3942  
contained in that work product available to, or discuss any 3943  
information contained in it with, any person not employed by the 3944  
employing law enforcement agency. 3945

(2) No law enforcement agency, or person employed by a law enforcement agency, that receives investigatory work product pursuant to division (B)(3) of this section shall use that work product for any purpose other than the investigation of the offense for which it was obtained from the other law enforcement agency, or disclose the name of the person who is the subject of the work product except when necessary for the conduct of the investigation of the offense, or the prosecution of the person for committing the offense, for which it was obtained from the other law enforcement agency.

(3) It is not a violation of division (C)(1) or (2) of this section for the bureau of criminal identification and investigation or any authorized employee of the bureau participating in the investigation of criminal activity to release, disseminate, or otherwise make available to, or discuss with, a person directly employed by a law enforcement agency DNA records collected in the DNA database or fingerprints filed for record by the superintendent of the bureau of criminal identification and investigation.

(D) Whoever violates division (C)(1) or (2) of this section is guilty of divulging confidential investigatory work product, a misdemeanor of the fourth degree.

**Sec. 2953.35.** (A)(1) As used in divisions (A)(2) and (3) of this section, "law enforcement or justice system matter" means an arrest, complaint, indictment, trial, hearing, adjudication, conviction, or correctional supervision.

(2) Except as authorized by divisions (D), (E), and (F) of section 2953.32 of the Revised Code or by Chapter 2950. of the Revised Code and subject to division (A)(3) of this section, any officer or employee of the state, or a political subdivision of the state, who releases or otherwise disseminates or makes

available for any purpose involving employment, bonding, or 3977  
licensing in connection with any business, trade, or profession to 3978  
any person, or to any department, agency, or other instrumentality 3979  
of the state, or any political subdivision of the state, any 3980  
information or other data concerning any ~~arrest, complaint,~~ 3981  
~~indictment, trial, hearing, adjudication, conviction, or~~ 3982  
~~correctional supervision~~ law enforcement or justice system matter 3983  
the records with respect to which the officer or employee had 3984  
knowledge of were sealed by an existing order issued pursuant to 3985  
sections 2953.31 to 2953.36 of the Revised Code, were expunged by 3986  
an order issued pursuant to division (E) of section 2151.358, 3987  
section 2953.37, or section 2953.38 of the Revised Code, or were 3988  
expunged by an order issued pursuant to section 2953.42 of the 3989  
Revised Code as it existed prior to June 29, 1988, is guilty of 3990  
divulging confidential information, a misdemeanor of the fourth 3991  
degree. 3992

(3) Division (A)(2) of this section does not apply to an 3993  
officer or employee of the state, or a political subdivision of 3994  
the state, who releases or otherwise disseminates or makes 3995  
available for any purpose specified in that division any 3996  
information or other data concerning a law enforcement or justice 3997  
system matter the records of which the officer had knowledge were 3998  
sealed or expunged by an order of a type described in that 3999  
division, if all of the following apply: 4000

(a) The officer or employee released, disseminated, or made 4001  
available the information or data from the sealed or expunged 4002  
records together with information or data concerning another law 4003  
enforcement or justice system matter. 4004

(b) The records of the other law enforcement or justice 4005  
matter were not sealed or expunged by any order of a type 4006  
described in division (A)(2) of this section. 4007

(c) The law enforcement or justice matter covered by the 4008

information or data from the sealed or expunged records and the 4009  
other law enforcement or justice matter covered by the information 4010  
or data from the records that were not sealed or expunged resulted 4011  
from or were connected to the same act. 4012

(d) The officer or employee made a good faith effort to not 4013  
release, disseminate, or make available any information or other 4014  
data concerning any law enforcement or justice matter from the 4015  
sealed or expunged records, and the officer or employee did not 4016  
release, disseminate, or make available the information or other 4017  
data from the sealed or expunged records with malicious purpose, 4018  
in bad faith, or in a wanton or reckless manner. 4019

(B) Any person who, in violation of section 2953.32 of the 4020  
Revised Code, uses, disseminates, or otherwise makes available any 4021  
index prepared pursuant to division (F) of section 2953.32 of the 4022  
Revised Code is guilty of a misdemeanor of the fourth degree. 4023

(C) It is not a violation of this section for the bureau of 4024  
criminal identification and investigation or any authorized 4025  
employee of the bureau participating in the investigation of 4026  
criminal activity to release, disseminate, or otherwise make 4027  
available to, or discuss with, a person directly employed by a law 4028  
enforcement agency DNA records collected in the DNA database or 4029  
fingerprints filed for record by the superintendent of the bureau 4030  
of criminal identification and investigation. 4031

**Sec. 2953.36.** Sections 2953.31 to 2953.35 of the Revised Code 4032  
do not apply to any of the following: 4033

(A) Convictions when the offender is subject to a mandatory 4034  
prison term; 4035

(B) Convictions under section 2907.02, 2907.03, 2907.04, 4036  
2907.05, 2907.06, 2907.321, 2907.322, or 2907.323, former section 4037  
2907.12, or Chapter 4507., 4510., 4511., or 4549. of the Revised 4038

Code, or a conviction for a violation of a municipal ordinance 4039  
that is substantially similar to any section contained in any of 4040  
those chapters, except as otherwise provided in section 2953.61 of 4041  
the Revised Code; 4042

(C) Convictions of an offense of violence when the offense is 4043  
a misdemeanor of the first degree or a felony and when the offense 4044  
is not a violation of section 2917.03 of the Revised Code and is 4045  
not a violation of section 2903.13, 2917.01, or 2917.31 of the 4046  
Revised Code that is a misdemeanor of the first degree; 4047

(D) Convictions on or after October 10, 2007, under section 4048  
2907.07 of the Revised Code or a conviction on or after October 4049  
10, 2007, for a violation of a municipal ordinance that is 4050  
substantially similar to that section; 4051

(E) Convictions on or after October 10, 2007, under section 4052  
2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.31, 2907.311, 4053  
2907.32, or 2907.33 of the Revised Code when the victim of the 4054  
offense was under eighteen years of age; 4055

(F) Convictions of an offense in circumstances in which the 4056  
victim of the offense was under eighteen years of age when the 4057  
offense is a misdemeanor of the first degree or a felony, except 4058  
for convictions under section 2919.21 of the Revised Code; 4059

(G) Convictions of a felony of the first or second degree; 4060

(H) Bail forfeitures in a traffic case as defined in Traffic 4061  
Rule 2. 4062

**Sec. 2953.53.** (A) The court shall send notice of any order to 4063  
seal official records issued pursuant to division (B)(3) of 4064  
section 2953.52 of the Revised Code to the bureau of criminal 4065  
identification and investigation and shall send notice of any 4066  
order issued pursuant to division (B)(4) of that section to any 4067  
public office or agency that the court knows or has reason to 4068

believe may have any record of the case, whether or not it is an 4069  
official record, that is the subject of the order. ~~The notice~~ 4070  
~~shall be sent by certified mail, return receipt requested.~~ 4071

(B) A person whose official records have been sealed pursuant 4072  
to an order issued pursuant to section 2953.52 of the Revised Code 4073  
may present a copy of that order and a written request to comply 4074  
with it, to a public office or agency that has a record of the 4075  
case that is the subject of the order. 4076

(C) An order to seal official records issued pursuant to 4077  
section 2953.52 of the Revised Code applies to every public office 4078  
or agency that has a record of the case that is the subject of the 4079  
order, regardless of whether it receives notice of the hearing on 4080  
the application for the order to seal the official records or 4081  
receives a copy of the order to seal the official records pursuant 4082  
to division (A) or (B) of this section. 4083

(D) Upon receiving a copy of an order to seal official 4084  
records pursuant to division (A) or (B) of this section or upon 4085  
otherwise becoming aware of an applicable order to seal official 4086  
records issued pursuant to section 2953.52 of the Revised Code, a 4087  
public office or agency shall comply with the order and, if 4088  
applicable, with the provisions of section 2953.54 of the Revised 4089  
Code, except that it may maintain a record of the case that is the 4090  
subject of the order if the record is maintained for the purpose 4091  
of compiling statistical data only and does not contain any 4092  
reference to the person who is the subject of the case and the 4093  
order. 4094

A public office or agency also may maintain an index of 4095  
sealed official records, in a form similar to that for sealed 4096  
records of conviction as set forth in division (F) of section 4097  
2953.32 of the Revised Code, access to which may not be afforded 4098  
to any person other than the person who has custody of the sealed 4099  
official records. The sealed official records to which such an 4100

index pertains shall not be available to any person, except that 4101  
the official records of a case that have been sealed may be made 4102  
available to the following persons for the following purposes: 4103

(1) To the person who is the subject of the records upon 4104  
written application, and to any other person named in the 4105  
application, for any purpose; 4106

(2) To a law enforcement officer who was involved in the 4107  
case, for use in the officer's defense of a civil action arising 4108  
out of the officer's involvement in that case; 4109

(3) To a prosecuting attorney or the prosecuting attorney's 4110  
assistants to determine a defendant's eligibility to enter a 4111  
pre-trial diversion program established pursuant to section 4112  
2935.36 of the Revised Code; 4113

(4) To a prosecuting attorney or the prosecuting attorney's 4114  
assistants to determine a defendant's eligibility to enter a 4115  
pre-trial diversion program under division (E)(2)(b) of section 4116  
4301.69 of the Revised Code. 4117

**Sec. 2953.61.** ~~When (A) Except as provided in division (B) of~~ 4118  
~~this section,~~ a person ~~is~~ charged with two or more offenses as a 4119  
result of or in connection with the same act ~~and at least one of~~ 4120  
~~the charges has a final disposition that is different than the~~ 4121  
~~final disposition of the other charges,~~ the person may not apply 4122  
to the court pursuant to section 2953.32 or 2953.52 of the Revised 4123  
Code for the sealing of ~~his~~ the person's record in relation to any 4124  
of the cases charges when at least one of the charges has a final 4125  
disposition that is different from the final disposition of the 4126  
other charges until such time as ~~he~~ the person would be able to 4127  
apply to the court and have all of the records ~~in all of the cases~~ 4128  
pertaining to all of those charges sealed pursuant to ~~divisions~~ 4129  
~~(A)(1) and (2) of section 2953.32 and divisions (A)(1) and (2) of~~ 4130  
~~section or~~ 2953.52 of the Revised Code. 4131

(B) When a person is charged with two or more offenses as a result of or in connection with the same act and the final disposition of one, and only one, of the charges is a conviction under any section of Chapter 4507., 4510., 4511., or 4549., other than section 4511.19 or 4511.194 of the Revised Code, or under a municipal ordinance that is substantially similar to any section other than section 4511.19 or 4511.194 of the Revised Code contained in any of those chapters, and if the records pertaining to all the other charges would be eligible for sealing under section 2953.52 of the Revised Code in the absence of that conviction, the court may order that the records pertaining to all the charges be sealed. In such a case, the court shall not order that only a portion of the records be sealed.

**Sec. 2967.26.** (A)(1) The department of rehabilitation and correction, by rule, may establish a transitional control program for the purpose of closely monitoring a prisoner's adjustment to community supervision during the final one hundred eighty days of the prisoner's confinement. If the department establishes a transitional control program under this division, the division of parole and community services of the department of rehabilitation and correction may transfer eligible prisoners to transitional control status under the program during the final one hundred eighty days of their confinement and under the terms and conditions established by the department, shall provide for the confinement as provided in this division of each eligible prisoner so transferred, and shall supervise each eligible prisoner so transferred in one or more community control sanctions. Each eligible prisoner who is transferred to transitional control status under the program shall be confined in a suitable facility that is licensed pursuant to division (C) of section 2967.14 of the Revised Code, or shall be confined in a residence the department has approved for this purpose and be monitored pursuant

to an electronic monitoring device, as defined in section 2929.01 4164  
of the Revised Code. If the department establishes a transitional 4165  
control program under this division, the rules establishing the 4166  
program shall include criteria that define which prisoners are 4167  
eligible for the program, criteria that must be satisfied to be 4168  
approved as a residence that may be used for confinement under the 4169  
program of a prisoner that is transferred to it and procedures for 4170  
the department to approve residences that satisfy those criteria, 4171  
and provisions of the type described in division (C) of this 4172  
section. At a minimum, the criteria that define which prisoners 4173  
are eligible for the program shall provide all of the following: 4174

(a) That a prisoner is eligible for the program if the 4175  
prisoner is serving a prison term or term of imprisonment for an 4176  
offense committed prior to March 17, 1998, and if, at the time at 4177  
which eligibility is being determined, the prisoner would have 4178  
been eligible for a furlough under this section as it existed 4179  
immediately prior to March 17, 1998, or would have been eligible 4180  
for conditional release under former section 2967.23 of the 4181  
Revised Code as that section existed immediately prior to March 4182  
17, 1998; 4183

(b) That no prisoner who is serving a mandatory prison term 4184  
is eligible for the program until after expiration of the 4185  
mandatory term; 4186

(c) That no prisoner who is serving a prison term or term of 4187  
life imprisonment without parole imposed pursuant to section 4188  
2971.03 of the Revised Code is eligible for the program. 4189

(2) At least sixty days prior to transferring to transitional 4190  
control under this section a prisoner who is serving a term of 4191  
imprisonment or prison term of two years or less for an offense 4192  
committed on or after July 1, 1996, the division of parole and 4193  
community services of the department of rehabilitation and 4194  
correction shall give notice of the pendency of the transfer to 4195

transitional control to the court of common pleas of the county in 4196  
which the indictment against the prisoner was found and of the 4197  
fact that the court may disapprove the transfer of the prisoner to 4198  
transitional control and shall include the institutional summary 4199  
report prepared by the head of the state correctional institution 4200  
in which the prisoner is confined. The head of the state 4201  
correctional institution in which the prisoner is confined, upon 4202  
the request of the division of parole and community services, 4203  
shall provide to the division for inclusion in the notice sent to 4204  
the court under this division an institutional summary report on 4205  
the prisoner's conduct in the institution and in any institution 4206  
from which the prisoner may have been transferred. The 4207  
institutional summary report shall cover the prisoner's 4208  
participation in school, vocational training, work, treatment, and 4209  
other rehabilitative activities and any disciplinary action taken 4210  
against the prisoner. If the court disapproves of the transfer of 4211  
the prisoner to transitional control, the court shall notify the 4212  
division of the disapproval within thirty days after receipt of 4213  
the notice. If the court timely disapproves the transfer of the 4214  
prisoner to transitional control, the division shall not proceed 4215  
with the transfer. If the court does not timely disapprove the 4216  
transfer of the prisoner to transitional control, the division may 4217  
transfer the prisoner to transitional control. 4218

(3)(a) If the victim of an offense for which a prisoner was 4219  
sentenced to a prison term or term of imprisonment has requested 4220  
notification under section 2930.16 of the Revised Code and has 4221  
provided the department of rehabilitation and correction with the 4222  
victim's name and address or if division (A)(3)(b) of this section 4223  
applies, the division of parole and community services, at least 4224  
sixty days prior to transferring the prisoner to transitional 4225  
control pursuant to this section, shall notify the victim of the 4226  
pendency of the transfer and of the victim's right to submit a 4227  
statement to the division regarding the impact of the transfer of 4228

the prisoner to transitional control. If the victim subsequently 4229  
submits a statement of that nature to the division, the division 4230  
shall consider the statement in deciding whether to transfer the 4231  
prisoner to transitional control. 4232

(b) If a prisoner is incarcerated for the commission of 4233  
aggravated murder, murder, or an offense of violence that is a 4234  
felony of the first, second, or third degree or under a sentence 4235  
of life imprisonment, except as otherwise provided in this 4236  
division, the notice described in division (A)(3)(a) of this 4237  
section shall be given regardless of whether the victim has 4238  
requested the notification. The notice described in division 4239  
(A)(3)(a) of this section shall not be given under this division 4240  
to a victim if the victim has requested pursuant to division 4241  
(B)(2) of section 2930.03 of the Revised Code that the victim not 4242  
be provided the notice. If notice is to be provided to a victim 4243  
under this division, the authority may give the notice by any 4244  
reasonable means, including regular mail, telephone, and 4245  
electronic mail, in accordance with division (D)(1) of section 4246  
2930.16 of the Revised Code. If the notice is based on an offense 4247  
committed prior to ~~the effective date of this amendment~~ March 22, 4248  
2013, the notice also shall include the opt-out information 4249  
described in division (D)(1) of section 2930.16 of the Revised 4250  
Code. The authority, in accordance with division (D)(2) of section 4251  
2930.16 of the Revised Code, shall keep a record of all attempts 4252  
to provide the notice, and of all notices provided, under this 4253  
division. 4254

Division (A)(3)(b) of this section, and the notice-related 4255  
provisions of divisions (E)(2) and (K) of section 2929.20, 4256  
division (D)(1) of section 2930.16, division (H) of section 4257  
2967.12, division (E)(1)(b) of section 2967.19, division (D)(1) of 4258  
section 2967.28, and division (A)(2) of section 5149.101 of the 4259  
Revised Code enacted in the act in which division (A)(3)(b) of 4260

this section was enacted, shall be known as "Roberta's Law." 4261

(4) The department of rehabilitation and correction, at least 4262  
sixty days prior to transferring a prisoner to transitional 4263  
control pursuant to this section, shall post on the database it 4264  
maintains pursuant to section 5120.66 of the Revised Code the 4265  
prisoner's name and all of the information specified in division 4266  
(A)(1)(c)(iv) of that section. In addition to and independent of 4267  
the right of a victim to submit a statement as described in 4268  
division (A)(3) of this section or to otherwise make a statement 4269  
and in addition to and independent of any other right or duty of a 4270  
person to present information or make a statement, any person may 4271  
send to the division of parole and community services at any time 4272  
prior to the division's transfer of the prisoner to transitional 4273  
control a written statement regarding the transfer of the prisoner 4274  
to transitional control. In addition to the information, reports, 4275  
and statements it considers under divisions (A)(2) and (3) of this 4276  
section or that it otherwise considers, the division shall 4277  
consider each statement submitted in accordance with this division 4278  
in deciding whether to transfer the prisoner to transitional 4279  
control. 4280

(B) Each prisoner transferred to transitional control under 4281  
this section shall be confined in the manner described in division 4282  
(A) of this section during any period of time that the prisoner is 4283  
not actually working at the prisoner's approved employment, 4284  
engaged in a vocational training or another educational program, 4285  
engaged in another program designated by the director, or engaged 4286  
in other activities approved by the department. 4287

(C) The department of rehabilitation and correction shall 4288  
adopt rules for transferring eligible prisoners to transitional 4289  
control, supervising and confining prisoners so transferred, 4290  
administering the transitional control program in accordance with 4291  
this section, and using the moneys deposited into the transitional 4292

control fund established under division (E) of this section. 4293

(D) The department of rehabilitation and correction may adopt 4294  
rules for the issuance of passes for the limited purposes 4295  
described in this division to prisoners who are transferred to 4296  
transitional control under this section. If the department adopts 4297  
rules of that nature, the rules shall govern the granting of the 4298  
passes and shall provide for the supervision of prisoners who are 4299  
temporarily released pursuant to one of those passes. Upon the 4300  
adoption of rules under this division, the department may issue 4301  
passes to prisoners who are transferred to transitional control 4302  
status under this section in accordance with the rules and the 4303  
provisions of this division. All passes issued under this division 4304  
shall be for a maximum of forty-eight hours and may be issued only 4305  
for the following purposes: 4306

(1) To visit a relative in imminent danger of death; 4307

(2) To have a private viewing of the body of a deceased 4308  
relative; 4309

(3) To visit with family; 4310

(4) To otherwise aid in the rehabilitation of the prisoner. 4311

(E) The division of parole and community services may require 4312  
a prisoner who is transferred to transitional control to pay to 4313  
the division the reasonable expenses incurred by the division in 4314  
supervising or confining the prisoner while under transitional 4315  
control. Inability to pay those reasonable expenses shall not be 4316  
grounds for refusing to transfer an otherwise eligible prisoner to 4317  
transitional control. Amounts received by the division of parole 4318  
and community services under this division shall be deposited into 4319  
the transitional control fund, which is hereby created in the 4320  
state treasury and which hereby replaces and succeeds the furlough 4321  
services fund that formerly existed in the state treasury. All 4322  
moneys that remain in the furlough services fund on March 17, 4323

1998, shall be transferred on that date to the transitional 4324  
control fund. The transitional control fund shall be used solely 4325  
to pay costs related to the operation of the transitional control 4326  
program established under this section. The director of 4327  
rehabilitation and correction shall adopt rules in accordance with 4328  
section 111.15 of the Revised Code for the use of the fund. 4329

(F) A prisoner who violates any rule established by the 4330  
department of rehabilitation and correction under division (A), 4331  
(C), or (D) of this section may be transferred to a state 4332  
correctional institution pursuant to rules adopted under division 4333  
(A), (C), or (D) of this section, but the prisoner shall receive 4334  
credit towards completing the prisoner's sentence for the time 4335  
spent under transitional control. 4336

If a prisoner is transferred to transitional control under 4337  
this section, upon successful completion of the period of 4338  
transitional control, the prisoner may be released on parole or 4339  
under post-release control pursuant to section 2967.13 or 2967.28 4340  
of the Revised Code and rules adopted by the department of 4341  
rehabilitation and correction. If the prisoner is released under 4342  
post-release control, the duration of the post-release control, 4343  
the type of post-release control sanctions that may be imposed, 4344  
the enforcement of the sanctions, and the treatment of prisoners 4345  
who violate any sanction applicable to the prisoner are governed 4346  
by section 2967.28 of the Revised Code. 4347

**Sec. 4510.111.** (A) No person shall operate any motor vehicle 4348  
upon a highway or any public or private property used by the 4349  
public for purposes of vehicular travel or parking in this state 4350  
whose driver's or commercial driver's license has been suspended 4351  
pursuant to section 2151.354, 2151.87, 2935.27, 3123.58, 4301.99, 4352  
4510.032, 4510.22, or 4510.33 of the Revised Code. 4353

(B) Upon the request or motion of the prosecuting authority, 4354

a noncertified copy of the law enforcement automated data system 4355  
report or a noncertified copy of a record of the registrar of 4356  
motor vehicles that shows the name, date of birth, and social 4357  
security number of a person charged with a violation of division 4358  
(A) of this section may be admitted into evidence as prima-facie 4359  
evidence that the license of the person was under suspension at 4360  
the time of the alleged violation of division (A) of this section. 4361  
The person charged with a violation of division (A) of this 4362  
section may offer evidence to rebut this prima-facie evidence. 4363

(C) Whoever violates division (A) of this section is guilty 4364  
of driving under suspension, and shall be punished as provided in 4365  
division ~~(D)~~(C)(1) or (2) of this section. 4366

(1) Except as otherwise provided in division ~~(D)~~(C)(2) of 4367  
this section, the offense is an unclassified misdemeanor. The 4368  
offender shall be sentenced pursuant to sections 2929.21 to 4369  
2929.28 of the Revised Code, except that the offender shall not be 4370  
sentenced to a jail term; the offender shall not be sentenced to a 4371  
community residential sanction pursuant to section 2929.26 of the 4372  
Revised Code; notwithstanding division (A)(2)(a) of section 4373  
2929.28 of the Revised Code, the offender may be fined up to one 4374  
thousand dollars; and, notwithstanding division (A)(3) of section 4375  
2929.27 of the Revised Code, the offender may be ordered pursuant 4376  
to division (C) of that section to serve a term of community 4377  
service of up to five hundred hours. The failure of an offender to 4378  
complete a term of community service imposed by the court may be 4379  
punished as indirect criminal contempt under division (A) of 4380  
section 2705.02 of the Revised Code that may be filed in the 4381  
underlying case. 4382

(2) If, within three years of the offense, the offender 4383  
previously was convicted of or pleaded guilty to two or more 4384  
violations of division (A) of this section, or any combination of 4385  
two or more violations of division (A) ~~+~~ of this section or 4386

section 4510.11 or 4510.16 of the Revised Code, or a substantially 4387  
equivalent municipal ordinance, the offense is a misdemeanor of 4388  
the fourth degree, and the offender shall provide the court with 4389  
proof of financial responsibility as defined in section 4509.01 of 4390  
the Revised Code. If the offender fails to provide that proof of 4391  
financial responsibility, then in addition to any other penalties 4392  
provided by law, the court may order restitution pursuant to 4393  
section 2929.28 of the Revised Code in an amount not exceeding 4394  
five thousand dollars for any economic loss arising from an 4395  
accident or collision that was the direct and proximate result of 4396  
the offender's operation of the vehicle before, during, or after 4397  
committing the offense for which the offender is sentenced under 4398  
this section. 4399

**Sec. 4510.16.** (A) No person, whose driver's or commercial 4400  
driver's license or temporary instruction permit or nonresident's 4401  
operating privilege has been suspended or canceled pursuant to 4402  
Chapter 4509. of the Revised Code, shall operate any motor vehicle 4403  
within this state, or knowingly permit any motor vehicle owned by 4404  
the person to be operated by another person in the state, during 4405  
the period of the suspension or cancellation, except as 4406  
specifically authorized by Chapter 4509. of the Revised Code. No 4407  
person shall operate a motor vehicle within this state, or 4408  
knowingly permit any motor vehicle owned by the person to be 4409  
operated by another person in the state, during the period in 4410  
which the person is required by section 4509.45 of the Revised 4411  
Code to file and maintain proof of financial responsibility for a 4412  
violation of section 4509.101 of the Revised Code, unless proof of 4413  
financial responsibility is maintained with respect to that 4414  
vehicle. 4415

(B) No person shall operate any motor vehicle upon a highway 4416  
or any public or private property used by the public for purposes 4417  
of vehicular travel or parking in this state if the person's 4418

driver's or commercial driver's license or temporary instruction 4419  
permit or nonresident operating privilege has been suspended 4420  
pursuant to section 4509.37 or 4509.40 of the Revised Code for 4421  
nonpayment of a judgment. 4422

(C) Upon the request or motion of the prosecuting authority, 4423  
a noncertified copy of the law enforcement automated data system 4424  
report or a noncertified copy of a record of the registrar of 4425  
motor vehicles that shows the name, date of birth, and social 4426  
security number of a person charged with a violation of division 4427  
(A) or (B) of this section may be admitted into evidence as 4428  
prima-facie evidence that the license of the person was under 4429  
either a financial responsibility law suspension at the time of 4430  
the alleged violation of division (A) of this section or a 4431  
nonpayment of judgment suspension at the time of the alleged 4432  
violation of division (B) of this section. The person charged with 4433  
a violation of division (A) or (B) of this section may offer 4434  
evidence to rebut this prima-facie evidence. 4435

(D) Whoever violates division (A) of this section is guilty 4436  
of driving under financial responsibility law suspension or 4437  
cancellation and shall be punished as provided in divisions (D) to 4438  
(I) of this section. Whoever violates division (B) of this section 4439  
is guilty of driving under a nonpayment of judgment suspension and 4440  
shall be punished as provided in divisions (D) to (I) of this 4441  
section. 4442

(1) Except as otherwise provided in division (D)(2) of this 4443  
section, the offense is an unclassified misdemeanor. When the 4444  
offense is an unclassified misdemeanor, the offender shall be 4445  
sentenced pursuant to sections 2929.21 to 2929.28 of the Revised 4446  
Code, except that the offender shall not be sentenced to a jail 4447  
term; the offender shall not be sentenced to a community 4448  
residential sanction pursuant to section 2929.26 of the Revised 4449  
Code; notwithstanding division (A)(2)(a) of section 2929.28 of the 4450

Revised Code, the offender may be fined up to one thousand 4451  
dollars; and, notwithstanding division (A)(3) of section 2929.27 4452  
of the Revised Code, the offender may be ordered pursuant to 4453  
division (C) of that section to serve a term of community service 4454  
of up to five hundred hours. The failure of an offender to 4455  
complete a term of community service imposed by the court may be 4456  
punished as indirect criminal contempt under division (A) of 4457  
section 2705.02 of the Revised Code that may be filed in the 4458  
underlying case. 4459

(2) If, within three years of the offense, the offender 4460  
previously was convicted of or pleaded guilty to two or more 4461  
violations of this section, or any combination of two violations 4462  
of this section or section 4510.11 or 4510.111 of the Revised 4463  
Code, or a substantially equivalent municipal ordinance, the 4464  
offense is a misdemeanor of the fourth degree. 4465

(3) The offender shall provide the court with proof of 4466  
financial responsibility as defined in section 4509.01 of the 4467  
Revised Code. If the offender fails to provide that proof of 4468  
financial responsibility, then in addition to any other penalties 4469  
provided by law, the court may order restitution pursuant to 4470  
section 2929.28 of the Revised Code in an amount not exceeding 4471  
five thousand dollars for any economic loss arising from an 4472  
accident or collision that was the direct and proximate result of 4473  
the offender's operation of the vehicle before, during, or after 4474  
committing the offense for which the offender is sentenced under 4475  
this section. 4476

**Sec. 5120.07.** (A) There is hereby created the ex-offender 4477  
reentry coalition consisting of the following seventeen members or 4478  
their designees: 4479

(1) The director of rehabilitation and correction; 4480

(2) The director of aging; 4481

(3) The director of mental health and addiction services;	4482
(4) The director of development services;	4483
(5) The superintendent of public instruction;	4484
(6) The director of health;	4485
(7) The director of job and family services;	4486
(8) The director of developmental disabilities;	4487
(9) The director of public safety;	4488
(10) The director of youth services;	4489
(11) The chancellor of the Ohio board of regents;	4490
(12) A representative or member of the governor's staff;	4491
(13) The executive director of the opportunities for Ohioans with disabilities agency;	4492 4493
(14) The director of the department of commerce;	4494
(15) The executive director of a health care licensing board created under Title XLVII of the Revised Code, as appointed by the chairperson of the coalition;	4495 4496 4497
(16) The director of veterans services;	4498
(17) An ex-offender appointed by the director of rehabilitation and correction.	4499 4500
(B) The members of the coalition shall serve without compensation. The director of rehabilitation and correction or the director's designee shall be the chairperson of the coalition.	4501 4502 4503
(C) In consultation with persons interested and involved in the reentry of ex-offenders into the community, including but not limited to, services providers, community-based organizations, and local governments, the coalition shall identify and examine social service barriers and other obstacles to the reentry of ex-offenders into the community. Not later than one year after	4504 4505 4506 4507 4508 4509

April 7, 2009, and on or before the same date of each year 4510  
thereafter, the coalition shall submit to the speaker of the house 4511  
of representatives and the president of the senate a report, 4512  
including recommendations for legislative action, the activities 4513  
of the coalition, and the barriers affecting the successful 4514  
reentry of ex-offenders into the community. The report shall 4515  
analyze the effects of those barriers on ex-offenders and on their 4516  
children and other family members in various areas, including but 4517  
not limited to, the following: 4518

(1) Admission to public and other housing; 4519

(2) Child support obligations and procedures; 4520

(3) Parental incarceration and family reunification; 4521

(4) Social security benefits, veterans' benefits, food 4522  
stamps, and other forms of public assistance; 4523

(5) Employment; 4524

(6) Education programs and financial assistance; 4525

(7) Substance abuse and sex offender treatment programs and 4526  
financial assistance and mental health services and financial 4527  
assistance; 4528

(8) Civic and political participation; 4529

(9) Other collateral consequences under the Revised Code or 4530  
the Ohio administrative code law that may result from a criminal 4531  
conviction. 4532

(D)(1) The report shall also include the following 4533  
information: 4534

(a) Identification of state appropriations for reentry 4535  
programs; 4536

(b) Identification of other funding sources for reentry 4537  
programs that are not funded by the state; 4538

(2) The coalition shall gather information about reentry programs in a repository maintained and made available by the coalition. Where available, the information shall include the following:

- (a) The amount of funding received;
- (b) The number of program participants;
- (c) The composition of the program, including program goals, methods for measuring success, and program success rate;
- (d) The type of post-program tracking that is utilized;
- (e) Information about employment rates and recidivism rates of ex-offenders.

(E) The coalition shall cease to exist on December 31, ~~2014~~ 2019.

**Sec. 5120.651.** An inmate is eligible to participate in the prison nursery program if she is pregnant at the time she is delivered into the custody of the department of rehabilitation and correction, she gives birth on or after the date the program is implemented, she is subject to a sentence of imprisonment of not more than ~~eighteen months~~ three years, and she and the child meet any other criteria established by the department.

**Sec. 5139.01.** (A) As used in this chapter:

(1) "Commitment" means the transfer of the physical custody of a child or youth from the court to the department of youth services.

(2) "Permanent commitment" means a commitment that vests legal custody of a child in the department of youth services.

(3) "Legal custody," insofar as it pertains to the status that is created when a child is permanently committed to the

department of youth services, means a legal status in which the 4567  
department has the following rights and responsibilities: the 4568  
right to have physical possession of the child; the right and duty 4569  
to train, protect, and control the child; the responsibility to 4570  
provide the child with food, clothing, shelter, education, and 4571  
medical care; and the right to determine where and with whom the 4572  
child shall live, subject to the minimum periods of, or periods 4573  
of, institutional care prescribed in sections 2152.13 to 2152.18 4574  
of the Revised Code; provided, that these rights and 4575  
responsibilities are exercised subject to the powers, rights, 4576  
duties, and responsibilities of the guardian of the person of the 4577  
child, and subject to any residual parental rights and 4578  
responsibilities. 4579

(4) Unless the context requires a different meaning, 4580  
"institution" means a state facility that is created by the 4581  
general assembly and that is under the management and control of 4582  
the department of youth services or a private entity with which 4583  
the department has contracted for the institutional care and 4584  
custody of felony delinquents. 4585

(5) "Full-time care" means care for twenty-four hours a day 4586  
for over a period of at least two consecutive weeks. 4587

(6) "Placement" means the conditional release of a child 4588  
under the terms and conditions that are specified by the 4589  
department of youth services. The department shall retain legal 4590  
custody of a child released pursuant to division (C) of section 4591  
2152.22 of the Revised Code or division (C) of section 5139.06 of 4592  
the Revised Code until the time that it discharges the child or 4593  
until the legal custody is terminated as otherwise provided by 4594  
law. 4595

(7) "Home placement" means the placement of a child in the 4596  
home of the child's parent or parents or in the home of the 4597  
guardian of the child's person. 4598

(8) "Discharge" means that the department of youth services' 4599  
legal custody of a child is terminated. 4600

(9) "Release" means the termination of a child's stay in an 4601  
institution and the subsequent period during which the child 4602  
returns to the community under the terms and conditions of 4603  
supervised release. 4604

(10) "Delinquent child" has the same meaning as in section 4605  
2152.02 of the Revised Code. 4606

(11) "Felony delinquent" means any child who is at least ten 4607  
years of age but less than eighteen years of age and who is 4608  
adjudicated a delinquent child for having committed an act that if 4609  
committed by an adult would be a felony. "Felony delinquent" 4610  
includes any adult who is between the ages of eighteen and 4611  
twenty-one and who is in the legal custody of the department of 4612  
youth services for having committed an act that if committed by an 4613  
adult would be a felony. 4614

(12) "Juvenile traffic offender" has the same meaning as in 4615  
section 2152.02 of the Revised Code. 4616

(13) "Public safety beds" means all of the following: 4617

(a) Felony delinquents who have been committed to the 4618  
department of youth services for the commission of an act, other 4619  
than a violation of section 2911.01 or 2911.11 of the Revised 4620  
Code, that is a category one offense or a category two offense and 4621  
who are in the care and custody of an institution or have been 4622  
diverted from care and custody in an institution and placed in a 4623  
community corrections facility; 4624

(b) Felony delinquents who, while committed to the department 4625  
of youth services and in the care and custody of an institution or 4626  
a community corrections facility, are adjudicated delinquent 4627  
children for having committed in that institution or community 4628  
corrections facility an act that if committed by an adult would be 4629

a misdemeanor or a felony;	4630
(c) Children who satisfy all of the following:	4631
(i) They are at least ten years of age but less than eighteen years of age.	4632 4633
(ii) They are adjudicated delinquent children for having committed acts that if committed by an adult would be a felony.	4634 4635
(iii) They are committed to the department of youth services by the juvenile court of a county that has had one-tenth of one per cent or less of the statewide adjudications for felony delinquents as averaged for the past four fiscal years.	4636 4637 4638 4639
(iv) They are in the care and custody of an institution or a community corrections facility.	4640 4641
(d) Felony delinquents who, while committed to the department of youth services and in the care and custody of an institution are serving disciplinary time for having committed an act described in division (A)(18)(a), (b), or (c) of this section, and who have been institutionalized or institutionalized in a secure facility for the minimum period of time specified in divisions (A)(1)(b) to (e) of section 2152.16 of the Revised Code.	4642 4643 4644 4645 4646 4647 4648
(e) Felony delinquents who are subject to and serving a three-year period of commitment order imposed by a juvenile court pursuant to divisions (A) and (B) of section 2152.17 of the Revised Code for an act, other than a violation of section 2911.11 of the Revised Code, that would be a category one offense or category two offense if committed by an adult.	4649 4650 4651 4652 4653 4654
(f) Felony delinquents who are described in divisions (A)(13)(a) to (e) of this section, who have been granted a judicial release to court supervision under division (B) or (D) of section 2152.22 of the Revised Code or a judicial release to the department of youth services supervision under division (C) or (D)	4655 4656 4657 4658 4659

of that section from the commitment to the department of youth 4660  
services for the act described in divisions (A)(13)(a) to (e) of 4661  
this section, who have violated the terms and conditions of that 4662  
release, and who, pursuant to an order of the court of the county 4663  
in which the particular felony delinquent was placed on release 4664  
that is issued pursuant to division (E) of section 2152.22 of the 4665  
Revised Code, have been returned to the department for 4666  
institutionalization or institutionalization in a secure facility. 4667

(g) Felony delinquents who have been committed to the custody 4668  
of the department of youth services, who have been granted 4669  
supervised release from the commitment pursuant to section 5139.51 4670  
of the Revised Code, who have violated the terms and conditions of 4671  
that supervised release, and who, pursuant to an order of the 4672  
court of the county in which the particular child was placed on 4673  
supervised release issued pursuant to division (F) of section 4674  
5139.52 of the Revised Code, have had the supervised release 4675  
revoked and have been returned to the department for 4676  
institutionalization. A felony delinquent described in this 4677  
division shall be a public safety bed only for the time during 4678  
which the felony delinquent is institutionalized as a result of 4679  
the revocation subsequent to the initial ~~thirty-day~~ ninety-day 4680  
period of institutionalization required by division (F) of section 4681  
5139.52 of the Revised Code. 4682

(14) Unless the context requires a different meaning, 4683  
"community corrections facility" means a county or multicounty 4684  
rehabilitation center for felony delinquents who have been 4685  
committed to the department of youth services and diverted from 4686  
care and custody in an institution and placed in the 4687  
rehabilitation center pursuant to division (E) of section 5139.36 4688  
of the Revised Code. 4689

(15) "Secure facility" means any facility that is designed 4690  
and operated to ensure that all of its entrances and exits are 4691

under the exclusive control of its staff and to ensure that, 4692  
because of that exclusive control, no child who has been 4693  
institutionalized in the facility may leave the facility without 4694  
permission or supervision. 4695

(16) "Community residential program" means a program that 4696  
satisfies both of the following: 4697

(a) It is housed in a building or other structure that has no 4698  
associated major restraining construction, including, but not 4699  
limited to, a security fence. 4700

(b) It provides twenty-four-hour care, supervision, and 4701  
programs for felony delinquents who are in residence. 4702

(17) "Category one offense" and "category two offense" have 4703  
the same meanings as in section 2151.26 of the Revised Code. 4704

(18) "Disciplinary time" means additional time that the 4705  
department of youth services requires a felony delinquent to serve 4706  
in an institution, that delays the felony delinquent's planned 4707  
release, and that the department imposes upon the felony 4708  
delinquent following the conduct of an internal due process 4709  
hearing for having committed any of the following acts while 4710  
committed to the department and in the care and custody of an 4711  
institution: 4712

(a) An act that if committed by an adult would be a felony; 4713

(b) An act that if committed by an adult would be a 4714  
misdemeanor; 4715

(c) An act that is not described in division (A)(18)(a) or 4716  
(b) of this section and that violates an institutional rule of 4717  
conduct of the department. 4718

(19) "Unruly child" has the same meaning as in section 4719  
2151.022 of the Revised Code. 4720

(20) "Revocation" means the act of revoking a child's 4721

supervised release for a violation of a term or condition of the 4722  
child's supervised release in accordance with section 5139.52 of 4723  
the Revised Code. 4724

(21) "Release authority" means the release authority of the 4725  
department of youth services that is established by section 4726  
5139.50 of the Revised Code. 4727

(22) "Supervised release" means the event of the release of a 4728  
child under this chapter from an institution and the period after 4729  
that release during which the child is supervised and assisted by 4730  
an employee of the department of youth services under specific 4731  
terms and conditions for reintegration of the child into the 4732  
community. 4733

(23) "Victim" means the person identified in a police report, 4734  
complaint, or information as the victim of an act that would have 4735  
been a criminal offense if committed by an adult and that provided 4736  
the basis for adjudication proceedings resulting in a child's 4737  
commitment to the legal custody of the department of youth 4738  
services. 4739

(24) "Victim's representative" means a member of the victim's 4740  
family or another person whom the victim or another authorized 4741  
person designates in writing, pursuant to section 5139.56 of the 4742  
Revised Code, to represent the victim with respect to proceedings 4743  
of the release authority of the department of youth services and 4744  
with respect to other matters specified in that section. 4745

(25) "Member of the victim's family" means a spouse, child, 4746  
stepchild, sibling, parent, stepparent, grandparent, other 4747  
relative, or legal guardian of a child but does not include a 4748  
person charged with, convicted of, or adjudicated a delinquent 4749  
child for committing a criminal or delinquent act against the 4750  
victim or another criminal or delinquent act arising out of the 4751  
same conduct, criminal or delinquent episode, or plan as the 4752

criminal or delinquent act committed against the victim. 4753

(26) "Judicial release to court supervision" means a release 4754  
of a child from institutional care or institutional care in a 4755  
secure facility that is granted by a court pursuant to division 4756  
(B) of section 2152.22 of the Revised Code during the period 4757  
specified in that division or that is granted by a court to court 4758  
supervision pursuant to division (D) of that section during the 4759  
period specified in that division. 4760

(27) "Judicial release to department of youth services 4761  
supervision" means a release of a child from institutional care or 4762  
institutional care in a secure facility that is granted by a court 4763  
pursuant to division (C) of section 2152.22 of the Revised Code 4764  
during the period specified in that division or that is granted to 4765  
department supervision by a court pursuant to division (D) of that 4766  
section during the period specified in that division. 4767

(28) "Juvenile justice system" includes all of the functions 4768  
of the juvenile courts, the department of youth services, any 4769  
public or private agency whose purposes include the prevention of 4770  
delinquency or the diversion, adjudication, detention, or 4771  
rehabilitation of delinquent children, and any of the functions of 4772  
the criminal justice system that are applicable to children. 4773

(29) "Metropolitan county criminal justice services agency" 4774  
means an agency that is established pursuant to division (A) of 4775  
section 5502.64 of the Revised Code. 4776

(30) "Administrative planning district" means a district that 4777  
is established pursuant to division (A) or (B) of section 5502.66 4778  
of the Revised Code. 4779

(31) "Criminal justice coordinating council" means a criminal 4780  
justice services agency that is established pursuant to division 4781  
(D) of section 5502.66 of the Revised Code. 4782

(32) "Comprehensive plan" means a document that coordinates, 4783

evaluates, and otherwise assists, on an annual or multi-year 4784  
basis, all of the functions of the juvenile justice systems of the 4785  
state or a specified area of the state, that conforms to the 4786  
priorities of the state with respect to juvenile justice systems, 4787  
and that conforms with the requirements of all federal criminal 4788  
justice acts. These functions include, but are not limited to, all 4789  
of the following: 4790

(a) Delinquency; 4791

(b) Identification, detection, apprehension, and detention of 4792  
persons charged with delinquent acts; 4793

(c) Assistance to crime victims or witnesses, except that the 4794  
comprehensive plan does not include the functions of the attorney 4795  
general pursuant to sections 109.91 and 109.92 of the Revised 4796  
Code; 4797

(d) Adjudication or diversion of persons charged with 4798  
delinquent acts; 4799

(e) Custodial treatment of delinquent children; 4800

(f) Institutional and noninstitutional rehabilitation of 4801  
delinquent children. 4802

(B) There is hereby created the department of youth services. 4803  
The governor shall appoint the director of the department with the 4804  
advice and consent of the senate. The director shall hold office 4805  
during the term of the appointing governor but subject to removal 4806  
at the pleasure of the governor. Except as otherwise authorized in 4807  
section 108.05 of the Revised Code, the director shall devote the 4808  
director's entire time to the duties of the director's office and 4809  
shall hold no other office or position of trust or profit during 4810  
the director's term of office. 4811

The director is the chief executive and administrative 4812  
officer of the department and has all the powers of a department 4813

head set forth in Chapter 121. of the Revised Code. The director 4814  
may adopt rules for the government of the department, the conduct 4815  
of its officers and employees, the performance of its business, 4816  
and the custody, use, and preservation of the department's 4817  
records, papers, books, documents, and property. The director 4818  
shall be an appointing authority within the meaning of Chapter 4819  
124. of the Revised Code. Whenever this or any other chapter or 4820  
section of the Revised Code imposes a duty on or requires an 4821  
action of the department, the duty or action shall be performed by 4822  
the director or, upon the director's order, in the name of the 4823  
department. 4824

**Sec. 5139.52.** (A) At any time during a child's supervised 4825  
release or during the period of a child's judicial release to 4826  
department of youth services supervision, if the regional 4827  
administrator or the employee of the department assigned to 4828  
supervise and assist the child has reasonable grounds to believe 4829  
that the child has violated a term or condition of the supervised 4830  
release or judicial release, the administrator or employee may 4831  
request a court to issue a summons that requires the child to 4832  
appear for a hearing to answer charges of the alleged violation. 4833  
The summons shall contain a brief statement of the alleged 4834  
violation, including the date and place of the violation, and 4835  
shall require the child to appear for a hearing before the court 4836  
at a specific date, time, and place. 4837

(B)(1) At any time while a child is on supervised release or 4838  
during the period of a child's judicial release to department of 4839  
youth services supervision, a regional administrator or a designee 4840  
of a regional administrator, upon application of the employee of 4841  
the department assigned to supervise and assist the child as 4842  
described in this division, may issue, or cause to be issued, an 4843  
order of apprehension for the arrest of the child for the alleged 4844  
violation of a term or condition of the child's supervised release 4845

or judicial release. An application requesting an order of apprehension shall set forth that, in the good faith judgment of the employee of the department assigned to supervise and assist the child making the application, there is reasonable cause to believe that the child who is on supervised release or judicial release to department of youth services supervision has violated or is violating a term or condition of the child's supervised release or judicial release, shall state the basis for that belief, and shall request that the child be taken to an appropriate place of secure detention pending a probable cause determination. As an alternative to an order of apprehension for the child, a regional administrator or the employee of the department assigned to supervise and assist the child may request a court to issue a warrant for the arrest of the child.

Subject to the provision of prior notice required by division (D)(1) of this section, if a regional administrator or a designee of a regional administrator issues, in writing, an order of apprehension for the arrest of a child, a staff member of the department of youth services who has been designated pursuant to division (A)(1) of section 5139.53 of the Revised Code as being authorized to arrest and who has received the training described in division (B)(1) of that section, or a peace officer, as defined in section 2935.01 of the Revised Code, may arrest the child, without a warrant, and place the child in secure detention in accordance with this section.

If a child is on supervised release or judicial release to department of youth services supervision, any peace officer, as defined in section 2935.01 of the Revised Code, may arrest the child without a warrant or order of apprehension if the peace officer has reasonable grounds to believe that the child has violated or is violating any of the following that has been prescribed by the release authority or department of youth

services relative to the child: 4878

(a) A condition that prohibits the child's ownership, 4879  
possession, or use of a firearm, deadly weapon, ammunition, or 4880  
dangerous ordnance, all as defined in section 2923.11 of the 4881  
Revised Code; 4882

(b) A condition that prohibits the child from being within a 4883  
specified structure or geographic area; 4884

(c) A condition that confines the child to a residence, 4885  
facility, or other structure; 4886

(d) A condition that prohibits the child from contacting or 4887  
communicating with any specified individual; 4888

(e) A condition that prohibits the child from associating 4889  
with a specified individual; 4890

(f) Any other rule, term, or condition governing the conduct 4891  
of the child that has been prescribed by the release authority. 4892

(2) Subject to the provision of prior notice required by 4893  
division (D)(1) of this section, a staff member of the department 4894  
of youth services who is designated by the director pursuant to 4895  
division (A)(1) of section 5139.53 of the Revised Code and who has 4896  
received the training described in division (B)(1) of that 4897  
section, a peace officer, as defined in section 2935.01 of the 4898  
Revised Code, or any other officer with the power to arrest may 4899  
execute a warrant or order of apprehension issued under division 4900  
(B)(1) of this section and take the child into secure custody. 4901

(C) A staff member of the department of youth services who is 4902  
designated by the director of youth services pursuant to division 4903  
(A)(1) of section 5139.53 of the Revised Code and who has received 4904  
the training described in division (B)(1) of that section, a peace 4905  
officer, as defined in section 2935.01 of the Revised Code, or any 4906  
other officer with the power to arrest may arrest without a 4907

warrant or order of apprehension and take into secure custody a 4908  
child in the legal custody of the department, if the staff member, 4909  
peace officer, or other officer has reasonable cause to believe 4910  
that the child who is on supervised release or judicial release to 4911  
department of youth services supervision has violated or is 4912  
violating a term or condition of the supervised release or 4913  
judicial release in any of the following manners: 4914

(1) The child committed or is committing an offense or 4915  
delinquent act in the presence of the staff member, peace officer, 4916  
or other officer. 4917

(2) There is probable cause to believe that the child 4918  
violated a term or condition of supervised release or judicial 4919  
release and that the child is leaving or is about to leave the 4920  
state. 4921

(3) The child failed to appear before the release authority 4922  
pursuant to a summons for a modification or failed to appear for a 4923  
scheduled court hearing. 4924

(4) The arrest of the child is necessary to prevent physical 4925  
harm to another person or to the child. 4926

(D)(1) Except as otherwise provided in this division, prior 4927  
to arresting a child under this section, either in relation to an 4928  
order of apprehension or a warrant for arrest or in any other 4929  
manner authorized by this section, a staff member or employee of 4930  
the department of youth services shall provide notice of the 4931  
anticipated arrest to each county, municipal, or township law 4932  
enforcement agency with jurisdiction over the place at which the 4933  
staff member or employee anticipates making the arrest. A staff 4934  
member or employee is not required to provide the notice described 4935  
in this division prior to making an arrest in any emergency 4936  
situation or circumstance described under division (C) of this 4937  
section. 4938

(2) If a child is arrested under this section and if it is known that the child is on supervised release or judicial release to department of youth services supervision, a juvenile court, local juvenile detention facility, or jail shall notify the appropriate department of youth services regional office that the child has been arrested and shall provide to the regional office or to an employee of the department of youth services a copy of the arrest information pertaining to the arrest.

(3) Nothing in this section limits the power to make an arrest that is granted to specified peace officers under section 2935.03 of the Revised Code, to any person under section 2935.04 of the Revised Code, or to any other specified category of persons by any other provision of the Revised Code, or the power to take a child into custody that is granted pursuant to section 2151.31 of the Revised Code.

(E) If a child who is on supervised release or who is under a period of judicial release to department of youth services supervision is arrested under an order of apprehension, under a warrant, or without a warrant as described in division (B)(1), (B)(2), or (C) of this section and taken into secure custody, all of the following apply:

(1) If no motion to revoke the child's supervised release or judicial release has been filed within seventy-two hours after the child is taken into secure custody, the juvenile court, in making its determinations at a detention hearing as to whether to hold the child in secure custody up to seventy-two hours so that a motion to revoke the child's supervised release or judicial release may be filed, may consider, in addition to all other evidence and information considered, the circumstances of the child's arrest and, if the arrest was pursuant to an order of apprehension, the order and the application for the order.

(2) If no motion to revoke the child's supervised release or

judicial release has been filed within seventy-two hours after the 4971  
child is taken into secure custody and if the child has not 4972  
otherwise been released prior to the expiration of that 4973  
seventy-two-hour period, the child shall be released upon the 4974  
expiration of that seventy-two-hour period. 4975

(3) If the person is eighteen, nineteen, or twenty years of 4976  
age, the person may be confined in secure detention in the jail of 4977  
the county in which the person is taken into custody. If the 4978  
person is under eighteen years of age, the person may be confined 4979  
in secure detention in the nearest juvenile detention facility. 4980

(4) If a motion to revoke the child's supervised release or 4981  
judicial release is filed after the child has been taken into 4982  
secure custody and the court decides at the detention hearing to 4983  
release the child from secure custody, the court may release the 4984  
child on the same terms and conditions that are currently in 4985  
effect regarding the child's supervised release or judicial 4986  
release, pending revocation or subsequent modification. 4987

(F) If a child who is on supervised release is arrested under 4988  
an order of apprehension, under a warrant, or without a warrant as 4989  
described in division (B)(1), (B)(2), or (C) of this section and 4990  
taken into secure custody, and if a motion to revoke the child's 4991  
supervised release is filed, the juvenile court of the county in 4992  
which the child is placed promptly shall schedule a time for a 4993  
hearing on whether the child violated any of the terms and 4994  
conditions of the supervised release. If a child is released on 4995  
supervised release and the juvenile court of the county in which 4996  
the child is placed otherwise has reason to believe that the child 4997  
has not complied with the terms and conditions of the supervised 4998  
release, the court of the county in which the child is placed, in 4999  
its discretion, may schedule a time for a hearing on whether the 5000  
child violated any of the terms and conditions of the supervised 5001  
release. If the court of the county in which the child is placed 5002

on supervised release conducts a hearing and determines at the 5003  
hearing that the child did not violate any term or condition of 5004  
the child's supervised release, the child shall be released from 5005  
custody, if the child is in custody at that time, and shall 5006  
continue on supervised release under the terms and conditions that 5007  
were in effect at the time of the child's arrest, subject to 5008  
subsequent revocation or modification. If the court of the county 5009  
in which the child is placed on supervised release conducts a 5010  
hearing and determines at the hearing that the child violated one 5011  
or more of the terms and conditions of the child's supervised 5012  
release, the court, if it determines that the violation was a 5013  
serious violation, may revoke the child's supervised release, 5014  
reinstate the original order of commitment of the child, and order 5015  
the child to be returned to the department of youth services for 5016  
institutionalization or, in any case, may make any other 5017  
disposition of the child authorized by law that the court 5018  
considers proper. If the court orders the child to be returned to 5019  
a department of youth services institution, the child shall remain 5020  
institutionalized for a minimum period of ~~thirty~~ ninety days, the 5021  
department shall not reduce the minimum ~~thirty-day~~ ninety-day 5022  
period of institutionalization for any time that the child was 5023  
held in secure custody subsequent to the child's arrest and 5024  
pending the revocation hearing and the child's return to the 5025  
department, the release authority, in its discretion, may require 5026  
the child to remain in institutionalization for longer than the 5027  
minimum ~~thirty-day~~ ninety-day period, ~~and~~ the child is not 5028  
eligible for judicial release or early release during the minimum 5029  
~~thirty-day~~ ninety-day period of institutionalization ~~or any,~~ and 5030  
the period of institutionalization in excess of shall be served 5031  
concurrently with any other commitment to the department of youth 5032  
services. If the court orders the child to be returned to a 5033  
department of youth services institution, the time during which 5034  
the child was confined pursuant to division (B) of section 2152.18 5035

of the Revised Code and the time during which the child was held 5036  
in a secure department facility prior to the child's release shall 5037  
be considered as time served in fulfilling the original order of 5038  
commitment but shall not reduce the minimum ~~thirty-day~~ ninety-day 5039  
period of institutionalization. 5040

This division does not apply regarding a child who is under a 5041  
period of judicial release to department of youth services 5042  
supervision. Division (E) of section 2152.22 of the Revised Code 5043  
applies in relation to a child who is under a period of judicial 5044  
release to department of youth services supervision. 5045

(G) The department of youth services shall assess and provide 5046  
appropriate programming for a child who is returned to a 5047  
department of youth services institution under this section. 5048

**Section 2.** That existing sections 109.57, 109.572, 109.578, 5049  
122.681, 307.932, 1901.44, 1905.202, 1907.25, 2151.311, 2151.356, 5050  
2151.357, 2152.26, 2907.27, 2907.28, 2929.12, 2929.141, 2929.20, 5051  
2929.26, 2947.09, 2947.23, 2953.25, 2953.31, 2953.32, 2953.321, 5052  
2953.35, 2953.36, 2953.53, 2953.61, 2967.26, 4510.111, 4510.16, 5053  
5120.07, 5120.651, 5139.01, and 5139.52 of the Revised Code are 5054  
hereby repealed. 5055

**Section 3.** Sections 307.932 and 2929.26 of the Revised Code 5056  
are presented in this act as composites of the sections as amended 5057  
by both Am. Sub. H.B. 509 and Am. Sub. S.B. 337 of the 129th 5058  
General Assembly. The General Assembly, applying the principle 5059  
stated in division (B) of section 1.52 of the Revised Code that 5060  
amendments are to be harmonized if reasonably capable of 5061  
simultaneous operation, finds that the composites are the 5062  
resulting versions of the sections in effect prior to the 5063  
effective date of the sections as presented in this act. 5064